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IN RESPONSE TO A  
RESOLUTION PASSED  
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St. Brit. Laws statutes etc. *Compilations*

**A. RICHARD PAIN,**

**MARLBOROUGH.**

THE

# PRACTICAL STATUTES

c#

OF

THE SESSION 1868

(31 & 32 VICTORIA);

WITH

INTRODUCTIONS, NOTES, TABLES OF STATUTES  
REPEALED AND SUBJECTS ALTERED,

LISTS OF LOCAL AND PERSONAL AND PRIVATE ACTS,  
AND A COPIOUS INDEX.

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EDITED BY

**W. PATERSON, Esq.,**

BARRISTER-AT-LAW.

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A TABLE  
OF  
ENACTMENTS REPEALED  
BY THE  
PRACTICAL STATUTES OF 1868.<sup>(1)</sup>

Acts wholly or partly repealed.	Description of Acts.	Reference to repealing Statutes of 31 & 32 Vict.	Extent of Repeal.
30 & 31 Vict. c. 134.	Metropolitan Streets Act, 1867.	c. 5, s. 1 ...	So much of sect. 6 as refers to surface of any space that intervenes in any street between the footway and the carriage way.
26 & 27 Vict. c. 124.	Alkali Act.	c. 36, s. 1 ...	Sect. 19.
25 & 26 Vict. c. 66.	Petroleum.	c. 56, s. 4 ...	Sect. 3, after Feb. 1, 1869.
5 & 6 Will. 4, c. 36.	Borough Polling.	c. 58, ss. 16, 24.	Sect. 2, so far as respects the contributory boroughs in Wales; sect. 3.
24 & 25 Vict. c. 53.	University Election.	c. 65, s. 1 ...	The form of declaration in sect. 2.
22 Geo. 3, c. 41. 43 Geo. 3, c. 25. 7 & 8 Geo. 4, c. 53.	Parliamentary Electors Disqualification Act.	c. 73, s. 1 ...	Sect. 9 of 7 & 8 Geo. 4, c. 53, and the rest of the other acts.
20 & 21 Vict. c. 85. 21 & 22 Vict. c. 108. 23 & 24 Vict. c. 144.	Divorce and Matrimonial Causes Act.	c. 77, s. 2 ...	Sect. 56 of 20 & 21 Vict. c. 85; sect. 17 of 21 & 22 Vict. c. 108; and sect. 3 of 23 & 24 Vict. c. 144.
28 & 29 Vict. c. 42.	District Church Tithes Act.	c. 117, s. 1	Sect. 9.

(<sup>1</sup>) The statutes repealed by the Sea Fisheries Act (c. 45), *post*, pp. 75 and 87, and by the Annual Turnpikes Acts Continuance Act (c. 99), *post*, p. 215, are omitted from this table in order to avoid unnecessary repetition.

Acts wholly or partly repealed.	Description of Acts.	Reference to repealing Statutes of 31 & 32 Vict.	Extent of Repeal.
3 & 4 Vict. c. 97. 5 & 6 Vict. c. 55. 7 & 8 Vict. c. 85.	Railways	c. 119, s. 47	Sect. 20 of 3 & 4 Vict. c. 97; sect. 19 of 5 & 6 Vict. c. 55; sect. 23 of 7 & 8 Vict. c. 85.
43 Eliz. c. 2. 55 Geo. 3, c. 137. 59 Geo. 3, c. 12. 4 & 5 Will. 4, c. 76. 6 & 7 Will. 4, c. 86. 7 & 8 Vict. c. 101. 22 Vict. c. 26. 30 & 31 Vict. c. 106.	Poor Law Acts.	c. 122, s. 3  s. 9  s. 24  s. 26  s. 36  s. 41  s. 44	So much of sect. 2 of 30 & 31 Vict. c. 106 as excepts unions and parishes in the metropolis from operation of that section. So much of 30 & 31 Vict. c. 106 as requires persons other than justices nominated by the Poor Law Board as managers or guardians to be resident within the district, union, or parish for which they may be nominated. So much of sect. 32 of 7 & 8 Vict. c. 101 as provides for the election of district auditors. So much of sect. 10 of 6 & 7 Will. 4, c. 86, as provides that the Poor Law Commissioners shall appoint a registrar to the temporary districts therein referred to. So much of 43 Eliz. c. 2 and 59 Geo. 3, c. 12, as enables orders of maintenance to be made by justices having jurisdiction in the place where the persons on whom they are made dwell, and as prescribes the penalty for disobedience; sect. 78 of 22 Vict. c. 26. So much of sect. 7 of 7 & 8 Vict. c. 101 as prohibits an officer of any parish or union from receiving money in respect of any bastard child under an order for maintenance. So much of 55 Geo. 3, c. 137, and of 4 & 5 Will. 4, c. 76, as renders churchwardens and overseers liable to penalty in respect of furnishing, providing, or supplying, after July 31, 1863, of goods, materials, or provisions for use of any workhouse, or the support and maintenance of the poor.
4 & 5 Vict. c. 57. 5 & 6 Vict. c. 102. 11 & 12 Vict. c. 98. 26 Vict. c. 29. 28 Vict. c. 8.	Corrupt Practices and Election Petitions Acts.	c. 125, s. 54	Sect. 8 of 26 Vict. c. 29, and the whole of the other acts.

A TABLE  
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PRINCIPAL SUBJECTS ALTERED  
BY THE  
PRACTICAL STATUTES OF 1868.<sup>(1)</sup>

Subjects.	Reference to Acts of 31 & 32 Vict. making alterations in such subjects.	Summary of Nature of Alterations.
Artizans Dwellings.	c. 130 ... ..	Inspection of dwelling by officer of health. Power to local authority to pull down or alter and to obtain a mortgage charge on premises for expenses. Annuity charged thereon in favour of owner when required alterations done by him.
Chemist ...	c. 121 ... ..	Registration of all chemists and druggists, and restrictions on sale of certain poisons.
Church ... ..	c. 117 ... ..	Title of vicar given to all beneficed clergy who are not rectors.
Church Rate ...	c. 109 ... ..	Compulsory rate abolished. Provision for forming church trustees to receive contributions for repair of church, &c.
Corrupt Practices.	c. 125, ss. 43, 44, 45, and 46.	Penalty of disqualification for certain offices, and for being elector, imposed on candidates and others found guilty of bribery or corrupt practices.
Criminal Law...	c. 24 ... ..	Sentence of death to be executed within prison walls.
	c. 116, ss. 1, 2 ...	Larceny and embezzlement of property of co-partnership by a member. Application of summary power of justices under Criminal Justice Act to embezzlement by clerks.

<sup>(1)</sup> This table does not include alterations made by the Customs and Inland Revenue and Excise Acts.



Subjects.	Reference to Acts of 31 & 32 Vict. making alterations in such subjects.	Summary of Nature of Qualification.
County Courts	c. 71 ... ..	And admiralty jurisdiction in claims limited to 300 <i>l.</i> for salvage or damage to cargo, or by collision, and to 150 <i>l.</i> for towage, necessaries, or wages, given to County Courts to be selected for this purpose.
Deed of Arrangement.	c. 104 ... ..	Verified list of liabilities of debtor, and names, &c., of creditors, and statement of debtor's property, to be registered with deed. In computing statutable majority, value of securities to be deducted, and creditors reckoned only who have proved.
Divorce ... ..	c. 77 ... ..	Shortening time of appeal to House of Lords.
Election Petition.	c. 125 ... ..	To be presented in England in the Court of Common Pleas, and to be tried in the county and borough to which it relates, by a judge of one of the superior common law courts, without a jury.
Evidence ... ..	c. 37 ... ..	Evidence of orders of Privy Council, the Treasury, Admiralty, Secretaries of State, Board of Trade, or Poor Law Board, by a copy of the <i>Gazette</i> containing same, by copy by government printer, or by copy purporting to be certified by certain officers.
Fairs... ..	c. 51 ... .. c. 106 ... ..	Power to alter days for holding. Power to make unlawful fairs held within the metropolis, on ground on which they have not been held for seven years before.
Fishery ... ..	c. 45 ... ..	Effect given to a convention with France regulating sea fisheries.
Judgment ...	c. 54 ... ..	Judgments of Superior Courts in one part of the United Kingdom to be effectual in any other part, on being registered there.
Marine Policy...	c. 86, ss. 1, 2 ...	Form of assignment of such policy and assignee enabled to sue in his own name.
Mortmain ...	c. 44 ... ..	Small grants of land for buildings for religious, educational, or scientific purposes, exempt from mortmain acts, if made <i>bond fide</i> and for full consideration.

Subjects.	Reference to Acts of 31 & 32 Vict. making alterations in such subjects.	Summary of Nature of Qualification.
Oyster Fishery	c. 45, ss. 27-56...	Grant of several oyster fishery, and provisions for protection of same in lieu of provisions of 29 & 30 Vict. c. 85.
Parliament ...	c. 46 ... .. c. 48, s. 43 ... c. 58 ... .. c. 65 ... ..	Boundaries of parliamentary boroughs and division of counties. Certain boroughs disfranchised. Provisions for an early completion in 1868 of registration of parliamentary voters. Altering declaration in use of voting papers at elections for the Universities.
Partition ... ..	c. 40 ... ..	Power for Court of Chancery to direct sale instead of division of property in suit for partition.
Poor ... ..	c. 122 ... ..	Increase of power of Poor Law Board over parishes and workhouses. Provision for keeping a register of religious creed of inmates of workhouses and schools, with power to minister belonging to the creed of the inmate as so registered to visit such inmate.
Railways... ..	c. 18 ... .. c. 119, ss. 3, 6... s. 14 ... s. 25 ... s. 41 ...	Power of Board of Trade to extend time for completing certain railways. Provision for establishing a uniform mode of keeping accounts. Board of Trade inspectors for examining affairs of company. Protection by notice against sea risks as in bill of lading. Arbitration for settling amount of compensation for accidents. Trial of question of amount of compensation for lands injuriously affected, by an issue tried as an ordinary action.
Reversion ... ..	c. 4 ... ..	<i>Bona fide</i> purchase not to be set aside merely on the ground of undervalue.
Vagrant Act ...	c. 52 ... ..	Extension of act to gaming with coin.



# PRACTICAL STATUTES.

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1868.

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31 VICT. CAP. 1.

*An Act to apply the Sum of Two million Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of March, One thousand eight hundred and sixty-eight.—*  
[7th December, 1867.]

## INCOME TAX ACT.

31 VICT. CAP. 2.

Sect.

### SUMMARY.

Preamble.

1. Additional rates of income tax granted on assessments made on the amount of annual profits.
2. Additional rates of duty to be charged on half-yearly and quarterly assessments.
3. Relief to persons whose incomes are under 200*l.* a year.
4. Provisions of former acts to be applied to this act.

### THE STATUTE.

*An Act to grant to Her Majesty additional Rates of Income Tax.*(<sup>1</sup>)  
—[7th December, 1867.]

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to

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(<sup>1</sup>) This act increases the income tax from 4*d.* to 6*d.* in the pound in the half-year ending 5th of April last, and by a subsequent act (*post*, cap. 28) the income tax is raised to 6*d.* in the pound for the ensuing year.

give and grant unto your Majesty the several rates and duties hereinafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Additional rates of income tax granted on assessments made on the amount of annual profits.*—In addition to the rates and duties granted and now chargeable under the act passed in the thirtieth year of Her Majesty's reign, chapter twenty-three, for one year commencing on the sixth day of April, one thousand eight hundred and sixty-seven, for and in respect of all property, profits, and gains mentioned or described as chargeable in the act passed in the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, for granting to Her Majesty duties on profits arising from property, professions, trades, and offices, there shall be charged, collected, and paid, for and in respect of such property, profits, and gains, either by assessment or otherwise, the following additional rates and duties; that is to say, upon any assessment made on the annual value or amount of any property, profits, or gains charged or chargeable under the said act of the thirtieth year of Her Majesty's reign, chapter twenty-three (except property, profits, and gains chargeable under Schedule (B.)), the additional rate or duty of one penny for every twenty shillings of the annual value or amount of all such property, profits, and gains respectively; and for and in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.), the additional rate or duty of one halfpenny in England, and of three-eighths of a penny in Scotland and Ireland respectively, for every twenty shillings of the annual value thereof; and such additional rates and duties respectively shall be collected and paid with and over and above the second moiety of the duties assessed or charged for the said year.

2. *Additional rates of duty to be charged on half-yearly and quarterly assessments.*—Provided always, that where any dividends, interest, or other profits or gains becoming due or payable half-yearly are assessed or charged half-yearly with the rate or duty under the said act of the thirtieth year of Her Majesty's



reign, chapter twenty-three, there shall be charged upon the first assessment or charge which shall be hereafter made on such dividends, interest, profits, and gains the additional rate or duty of twopence for every twenty shillings of the half-yearly amount thereof; and where any profits or gains becoming due or payable quarterly, are assessed or charged quarterly with the rate or duty under the said act, there shall be charged upon the first two quarterly assessments or charges respectively which shall be hereafter made on such last-mentioned profits and gains the additional rate or duty of twopence for every twenty shillings of the quarterly amount of such last-mentioned profits and gains; and the said additional rates and duties charged in such half-yearly and quarterly assessments respectively shall be collected and paid with and over and above the rates and duties assessed or charged therein respectively under the said act.

3. *Relief to persons whose incomes are under 200l. a year.*—Provided always, that every person who shall claim and prove in the manner prescribed by the acts now in force relating to the income tax that his total annual income from every source, although amounting to one hundred pounds or upwards, is less than two hundred pounds a year, shall be entitled to be relieved from so much of the said additional rates and duties assessed upon or paid by him under this act as an assessment or charge of the said rates and duties upon sixty pounds of his income would amount unto, and such relief shall be given in the manner directed by the said acts.

4. *Provisions of former acts to be applied to this act.*—The additional rates and duties by this act granted shall be charged, raised, levied, and collected under the regulations and provisions of the said act of Parliament hereinbefore mentioned, and of the several acts therein referred to, and also of any act or acts subsequently passed explaining, amending, or continuing the said first-mentioned act; and all powers, authorities, rules, regulations, penalties, clauses, matters, and things contained in or enacted by the said several acts, and in force with respect to the rates and duties granted by the said first-mentioned act, shall (so far as the same are or may be applicable consistently with the express provisions of this act) respectively be duly observed, applied, and put in execution, *mutatis mutandis*, for

charging, levying, collecting, receiving, accounting for, and securing the said rates and duties hereby granted, and otherwise relating thereto.

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### 31 VICT. CAP. 3.

*An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.*—[7th December, 1867.]

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## SALES OF REVERSIONS ACT.

### 31 VICT. CAP. 4.

#### Sect.

#### SUMMARY.

##### Preamble.

1. No purchase made, *bonâ fide*, of reversionary interests to be set aside merely on the ground of undervalue.
2. Interpretation of "purchase."
3. Commencement of act.

#### INTRODUCTION.

The courts of equity have been in the habit of protecting heirs and reversioners where they have been vendors of their reversionary interests, because it has been supposed that undue advantage has been taken by the purchaser of the vendor's pressing need of money, and the courts have accordingly set aside such sales where they were by private contract and not by auction, unless the purchaser has been able to show that he paid what was at the time the full value of the property. *Edwards v. Burt* (2 De G. M. & G. 55), *Salter v. Bradshaw* (26 Beav. 161), *Foster v. Roberts* (29 Beav. 467), and *Jones v. Ricketts* (31 L. J., Ch. 753), are strong instances in which such sales have been set aside, notwithstanding the *bona fides* of the purchase, the present Master of the Rolls remarking, in the case of *Foster v. Roberts*, that the practical result of the state of the law was this, that, "unless a person gives much more than the value, it is impossible to purchase a reversionary interest with safety, except under a sale by auction." This is not now considered to be a satisfactory state for the law to remain in, and the sale of reversionary property is by this act of Parliament placed upon the same footing as the sale of property in possession, and though

the smallness of the consideration may be evidence of fraud, the sale will not henceforth be impeached merely on the ground of the inadequacy of the price.

## THE STATUTE.

*An Act to amend the Law relating to Sales of Reversions.*—  
[7th December, 1867.]

Whereas it is expedient to amend the law, as administered in courts of equity, with respect to sales of reversions: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *No purchase, made bonâ fide, of reversionary interests to be set aside merely on the ground of undervalue.*—No purchase, made *bonâ fide* and without fraud or unfair dealing, of any reversionary interest in real or personal estate shall hereafter be opened or set aside merely on the ground of undervalue.

2. *Interpretation of "purchase."*—The word "purchase" in this act shall include every kind of contract, conveyance, or assignment under or by which any beneficial interest in any kind of property may be acquired.

3. *Commencement of act.*—This act shall come into operation on the first day of January, one thousand eight hundred and sixty-eight, and shall not apply to any purchase concerning which any suit shall be then depending.

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METROPOLITAN STREETS ACT (1867)  
AMENDMENT ACT.

31 VICT. CAP. 5.

Sect.

## SUMMARY.

1. Amendment of sect. 6 of 30 & 31 Vict. c. 134.
2. Regulations as to lamps to be subject to approval of Secretary of State.
3. Short title.

## THE STATUTE.

*An Act for the Amendment of "The Metropolitan Streets Act, 1867."*—[7th December, 1867.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal,

and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Amendment of sect. 6 of 30 & 31 Vict. c. 134.*—The sixth section of “The Metropolitan Streets Act, 1867,” prohibiting the deposit of goods in the streets, shall not apply to costermongers, street hawkers, or itinerant traders, so long as they carry on their business in accordance with the regulations from time to time made by the Commissioner of Police, with the approval of the Secretary of State ; and so much of the said sixth section as refers to the surface of any space that intervenes in any street between the footway and the carriageway is hereby repealed.

2. *Regulations as to lamps to be subject to approval of Secretary of State.*—No regulation shall be made in respect of the carriage of lamps by hackney carriages in pursuance of the seventeenth section of “The Metropolitan Streets Act, 1867,” except with the approval of one of Her Majesty’s principal Secretaries of State.

3. *Short title.*—This act may be cited for all purposes as “The Metropolitan Streets Act Amendment Act, 1867,” and shall be construed as one with the said Metropolitan Streets Act, 1867.

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## TOTNES, &c., WRITS ACT.

31 VICT. CAP. 6.

Sect.

SUMMARY.

Preamble.

1. Prohibition of issue of writs.
2. Prohibition of registration of voters.

### THE STATUTE.

*An Act to forbid the Issue of Writs for Members to serve in this present Parliament for the Boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster.*—[7th December, 1867.]

Whereas it is expedient to forbid the issue of writs for members to serve in this present Parliament for the boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster : Be it enacted by the Queen’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Prohibition of issue of writs.*—From and after the passing of this act, the Speaker shall not sign any warrant for the issue of a writ, and no writ shall issue, for the election of any member or members to serve in Parliament for the boroughs of Totnes, Reigate, Great Yarmouth, and Lancaster, or any of such boroughs.

2. *Prohibition of registration of voters*—After the passing of this act, no registration of voters for members of Parliament shall take place in any of the said boroughs.

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31 VICT. CAP. 7.

*An Act to further continue the Act of the Twenty-ninth Year of the Reign of Her present Majesty, Chapter One, intituled "An Act to empower the Lord Lieutenant or other Chief Governor or Governors of Ireland to apprehend, and detain for a limited Time, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government."*<sup>(1)</sup>—[28th February, 1868.]

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31 VICT. CAP. 8.

*An Act to provide for the Acquisition of a Site for a Museum in the East of London.*—[28th February, 1868.]

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31 VICT. CAP. 9.

*An Act to regulate the Disposal of extra Receipts of Public Departments.*—[30th March, 1868.]

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31 VICT. CAP. 10.

*An Act to apply the Sum of Three hundred and sixty-two thousand three hundred and ninety-eight Pounds Nineteen Shillings and Nine-pence out of the Consolidated Fund to the Service of the Years ending the Thirty-first Day of March, One thousand eight hundred and sixty-seven and the Thirty-first day of March, One thousand eight hundred and sixty-eight.*—[30th March, 1868.]

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<sup>(1)</sup> This act continues until 25th March, 1869; the 29 & 30 Vict. c. 1, which suspends the Habeas Corpus Act in Ireland, and which by 30 & 31 Vict. c. 25, was continued until 1st March, 1868.



## COURT OF APPEAL, CHANCERY (DESPATCH OF BUSINESS) AMENDMENT ACT.

31 VICT. CAP. 11.

Sect.

SUMMARY.

Preamble.

1. No decree, &c., upon motion to be heard before judges sitting separately.
2. This and recited act to be as one.

THE STATUTE.

*An Act to amend an Act to make further Provision for the Despatch of Business in the Court of Appeal in Chancery.—[30th March, 1868.]*

Whereas it is expedient to amend an act passed in the thirtieth and thirty-first Victoria, chapter sixty-four: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *No decree, &c., upon motion to be heard before judges sitting separately.*—In addition to the proviso in the said recited act that no decree made on the hearing of a cause or for further consideration shall be reheard before the judges appointed under the act of the fourteenth and fifteenth Victoria, chapter eighty-three, when sitting separately, no decree or decretal order made upon motion shall after the passing of this act be reheard before the said judges when sitting separately: Provided that the Lord Chancellor shall and may while sitting alone have and exercise the like jurisdiction, powers, and authorities as might have been exercised by the Lord Chancellor if this act had not been passed.

2. *This and recited act to be as one.*—This act and the said recited act shall be read together as one act.

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31 VICT. CAP. 12.

*An Act to facilitate the Alteration of Days upon which, and of Places at which, Fairs are now held in Ireland.—[30th March, 1868.]*

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## 31 VICT. CAP. 13.

*An Act to apply the Sum of Six million Pounds out of the Consolidated Fund to the Service of the Year ending on the Thirty-first Day of March, One thousand eight hundred and sixty-nine.*  
—[3rd April, 1868.]

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## 31 VICT. CAP. 14.

*An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.*—[3rd April, 1868.]

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## 31 VICT. CAP. 15.

*An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore.*—[3rd April, 1868.]

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## 31 VICT. CAP. 16.

*An Act to apply the Sum of Seventeen million Pounds out of the Consolidated Fund to the Service of the Year ending on the Thirty-first Day of March, One thousand eight hundred and sixty-nine.*  
[29th May, 1868.]

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## 31 VICT. CAP. 17.

*An Act to further continue and appropriate the London Coal and Wine Duties.*—[29th May, 1868.]

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## RAILWAYS (EXTENSION OF TIME) ACT.

## 31 VICT. CAP. 18.

## Sect.

## SUMMARY.

1. Short title.
2. Interpretation of terms.
3. Power for company to apply to Board of Trade for extension of time.
4. Application only with assent of shareholders.
5. Circular to shareholders.
6. Mode of signification of assent or dissent.
7. Meeting to elect scrutineers.
8. Ascertainment of assents or dissents.
9. What shares only to be reckoned.
10. Adjournment on application of scrutineers.

11. Decision of scrutineers final.
12. Notice of application in *Gazette*, &c.
13. Extension of time by warrant of Board of Trade.
14. Notice of warrant in *Gazette*.
15. Compensation for extension of time.
16. Saving for contracts and notices before act.  
Schedule.

#### INTRODUCTION.

By "The Railway Companies Act, 1867" (30 & 31 Vict. c. 127) provision is made for enabling the Board of Trade to authorise the abandonment of railways by companies who have been empowered to make them by act of Parliament passed before that session. It has since been found desirable that such board should also have, for a limited period, a similar power of extending the time to companies for the completion of their works, as was given to the board by the 11 & 12 Vict. c. 3. That act of 1847 limited the power of extension to that of two years, and to companies applying within two months after the passing of that act, and this present act is limited to applications which may be made within one year after its passing, viz., 29th of May last, and the extension is not to exceed two years from the expiration of the time already limited for the completion. The present act is, therefore, like its predecessor, only a temporary measure to meet the cases which have arisen from the late monetary crisis and the numerous companies which have been formed for constructing railways, but which have since become abortive.

#### THE STATUTE.

*An Act to give further Time for making certain Railways.—*  
[29th May, 1868.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Short title.*—This act may be cited as "The Railways (Extension of Time) Act, 1868."

2. *Interpretation of terms.*—In this act—

The term "company" means a railway company; that is to say, a company constituted by act of Parliament, or by certificate under act of Parliament, for the purpose of con-

structing, maintaining, or working a railway (either alone or in conjunction with any other purpose):

The term "railway" includes "tramway: "

The term "share" includes "stock: "

This term "*Gazette*" means with respect to a railway or works or lands in England the *London Gazette*, with respect to a railway or works or lands in Scotland the *Edinburgh Gazette*, and with respect to a railway or works or lands in Ireland the *Dublin Gazette*.

3. *Power for company to apply to Board of Trade for extension of time.*—Where it is desired that the time limited for the completion by a company of a railway, or part of a railway, or of a work, or for the purchase by them of lands for the purpose thereof, be extended, then, subject and according to the provisions of this act, within one year after the passing of this act, an application for that purpose may be made to the Board of Trade by or on behalf of the company.

4. *Application only with assent of shareholders.*—An application under this act shall not be entertained by the Board of Trade unless it is made with the assent of three-fifths in value of the votes of the holders of the shares in the subscribed capital of the company, recorded at an extraordinary meeting of the company convened for the purpose.

5. *Circular to shareholders.*—Where a meeting is called for the purposes of this act the secretary of the company shall, seven clear days at least before the day appointed for the meeting, send by post to each registered shareholder, to his registered or known address, a circular, which shall be in the form given in the schedule to this act, with such variations as circumstances require, and with such modifications (if any) as the Board of Trade approve.

6. *Mode of signification of assent or dissent.*—Each shareholder may signify his assent to or dissent from the proposed application in the manner indicated in the circular sent.

7. *Meeting to elect scrutineers.*—At the meeting the shareholders personally present shall elect three shareholders to be scrutineers.

8. *Ascertainment of assents or dissents.*—The scrutineers shall ascertain and record the proportion of capital held by shareholders assenting, and shall report it to the chairman, who shall

announce it to the meeting, and state whether the proposed application is assented to by the requisite proportion or not.

9. *What shares only to be reckoned.*—In the computation of assents a share shall not be reckoned unless the holder thereof is duly registered, and has paid on all shares held by him all calls due by him made three months or upwards before the day of the meeting or of the presentation to the directors of the requisition (if any) on which the meeting is held.

10. *Adjournment on application of scrutineers.*—For the purpose of receiving the report of the scrutineers, the chairman may, if he thinks fit, on the application of any one of the scrutineers, and shall, if required by more than one of them, adjourn the meeting to a day appointed by him, being not less than one or more than seven clear days from the day of the meeting.

11. *Decision of scrutineers final.*—The decision of the scrutineers, or any two of them, on any matter to be decided by them under this act shall be final.

12. *Notice of application in Gazette, &c.*—When an application has been made to the Board of Trade in accordance with this act, then, if it appears to them that there are sufficient grounds for entertaining the application, they shall direct notice of the fact that the application has been made to be given by or on behalf of the company, by advertisement (in a form approved by the Board of Trade) once in the *Gazette* and once in each of three successive weeks in a newspaper published or circulating in each of the counties in which any portion of the railway, part of a railway, works or lands to which the application relates is situate, and by bills affixed, on three successive Sundays, on the principal outer door of the church or churches in every parish in which any portion of the railway, part of a railway, works or lands is situate; and every such notice shall state when and how any person, company, or corporation objecting to the application may bring his objection before the Board of Trade.

13. *Extension of time by warrant of Board of Trade.*—The Board of Trade, on proof to their satisfaction that notice has been duly given, and on the expiration of the time allowed for objections, and after considering the objections (if any), may, if they think fit, by warrant (signed by their secretary or one of their assistant secretaries), according to the nature of the application made to them, and on such terms and conditions (if

any) as they think fit, extend the time limited for the completion of the railway, or of any part thereof, or of any works, or may (with or without extension of the time aforesaid) extend the time limited for the purchase of any lands for the purpose of the railway, or of any part thereof, or of any works, for such time in each case as they think fit, not exceeding in any case two years from the expiration of the respective time limited; and every such warrant shall have effect as if the provisions thereof had been enacted by Parliament; provided that no such warrant shall be granted unless the Board of Trade, having ascertained the state and condition of the company in the manner provided in the fourteenth section of "The Abandonment of Railways Act, 1850,"<sup>(1)</sup> see reason to believe that the company will be able to complete the railway, part of a railway, or works within the extended time named in the warrant, for which purpose the Board of Trade shall have all the powers of that section, and the provisions of that section shall extend and apply to the case of proceedings under this act.

14. *Notice of warrant in Gazette.*—Within one month after the warrant is issued by the Board of Trade they shall give notice thereof in the *Gazette*.

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(1) The following is the 14th section of 13 & 14 Vict. c. 83 ("The Abandonment of Railways Act, 1850"): "And be it enacted that for the purposes of ascertaining the state and condition of the company making any such application, and of inquiring into the expediency of the proposed abandonment of railway, and of determining the terms and conditions on which the same may be authorised by them, it shall be lawful for the Commissioners of Railways by themselves or by any officer appointed and specially empowered by them for that purpose to inspect the books of accounts, minutes of proceedings, or any other books, papers, or documents in the possession or control of such company; and also if they see fit so to do, to send, at the expense of such railway company, or at the expense of any person who applies to them for that purpose, an officer to be appointed by them to inspect the railway, or proposed railway, or work so proposed to be abandoned, and to collect evidence on the spot relative to such abandonment; and if any such company, or any of their officers or servants, shall refuse such inspection by the said commissioners or any officer appointed and specially empowered by them for that purpose, or refuse or wilfully neglect to produce to the said commissioners or any such officer on demand any books, papers, or documents in the possession or control of such company, every such company shall for every such refusal or neglect forfeit to Her Majesty the sum of twenty pounds, and a further sum of five pounds for every day, during which such refusal or wilful neglect shall be continued."

15. *Compensation for extension of time.*—Justices, arbitrators, umpires, and juries, in estimating the compensation to be made by the company to the owners or occupiers of or persons interested in lands, shall have regard to and make compensation for the additional damage (if any) sustained by those owners, occupiers, or persons by reason of any extension of time under this act.

16. *Saving for contracts and notices before act.*—Where before the passing of this act, a contract has been entered into by a company for the taking of lands for their railway or works, this act shall not authorise as regards those lands, any extension of the time limited for the purchase of lands; and every such contract shall continue to have effect as if this act had not been passed.

### THE SCHEDULE.

#### *Form of Circular and of Assent or Dissent.*

"The Railways (Extension of Time) Act, 1868."

The Company.

An extraordinary meeting of the shareholders of this company will be held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, for the purpose of determining whether or not an application shall be made to the Board of Trade, under the above-mentioned act, for an extension of the time limited by [state the act or acts limiting the time proposed to be extended] for [state the matter to which the limitation relates].

You are requested to signify your assent to or dissent from the proposed application by writing in the fourth column of the following table the word *assenting* or *dissenting*, as the case may be, and signing your name thereunder, and by returning this circular, so filled up and signed, to me, so that I shall receive the same on or before the day next preceding the day of the meeting, but if your assent or dissent is not received at latest on the day next preceding the day of the meeting it will not be computed.

Name of Railway.	Name of Shareholder.	Amount of Share Capital held by him.	Whether assenting or dissenting.
*	*	*	(Signed) †

\* The secretary will insert these particulars.

† In this column the shareholder will write the word *assenting* or *dissenting*, as the case may be, and sign his name thereunder.

(Signed)

Secretary.

## 31 VICT. CAP. 19.

*An Act for declaring valid certain Orders of Her Majesty in Council relating to the Ecclesiastical Commissioners for England and to the Deans and Chapters of certain Churches.*—[29th May, 1868.]

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## 31 VICT. CAP. 20.

*An Act to enable Persons in Ireland to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects.*(<sup>1</sup>)—[29th May, 1868.]

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## 31 VICT. CAP. 21.

*An Act to provide Compensation to Officers of certain discontinued Prisons.*—[29th May, 1868.]

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## PETTY SESSIONS AND LOCK-UP HOUSES ACT.

## 31 VICT. CAP. 22.

## Sect.

## SUMMARY.

## Preamble.

1. Short title.
2. Application of act.
3. Interpretation of terms.
4. Power to two or more authorities to agree for common sessions house.
5. Power to local authority to contract for sessions house.
6. Power to local authorities to contract for lock-up houses.
7. Contracts may include cost of conveyance.
8. Petty sessions houses and lock-ups to be deemed to be within the jurisdiction of contracting local authorities.
9. Expenses how to be provided.
10. Effect of approval of Secretary of State and evidence of transactions.
11. Power to local authority to form committee of its own members and others.
12. Powers under this act to be in addition to powers under other acts.

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(<sup>1</sup>) This act extends to Ireland "The Legitimacy Declaration Act, 1858," (21 & 22 Vict. c. 93), Pract. Stats. 1858, p. 167.



## THE STATUTE.

*An Act to amend the Law relating to Places for holding Petty Sessions and to Lock-up Houses for the temporary Confinement of Persons taken into Custody and not yet committed for Trial.—*  
[29th May, 1868.]

Whereas it is expedient to amend the law relating to places for holding petty sessions and to lock-up houses for the temporary confinement of persons taken into custody and not yet committed for trial: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Short title.*—This act may be cited for all purposes, as "The Petty Sessions and Lock-up Houses Act, 1868."

2. *Application of act.*—This act shall not apply to Scotland or Ireland.

3. *Interpretation of terms.*—For the purposes of this act—

"Petty sessions" shall include "special sessions," and "quarter sessions" shall include "general sessions:"

"Borough" shall mean any place for the time being subject to an act passed in the session holden in the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales":

"Local authority" shall mean—

In any county, parts, liberty, or division of a county having a separate commission of the peace—the justices in quarter sessions assembled;

In any borough having a separate commission of the peace—the council of the borough.

4. *Power to two or more authorities to agree for common sessions house.*—Two or more local authorities may, with the approval of one of Her Majesty's principal Secretaries of State, contract that a place for the holding of petty sessions by each of such authorities shall be provided at the joint expense of such authorities in such manner and proportions as in the said contract mentioned.

5. *Power to local authority to contract for sessions house.*—Where any local authority is in possession of a convenient

building for holding petty sessions or for transacting business authorised by any act of Parliament to be performed by justices out of petty sessions, any neighbouring local authority may contract with such former authority for the use, by themselves, of such building for such purposes or any of them, and may use the same accordingly.

6. *Power to local authorities to contract for lock-up houses.*—Any local authority may, with the approval of one of Her Majesty's principal Secretaries of State, contract with any neighbouring local authority for the reception by such authority into their lock-up house, and the custody and maintenance therein, of any persons who would otherwise be liable to be placed in a lock-up house situate within the jurisdiction of the former authority.

7. *Contracts may include cost of conveyance.*—Any contract entered into between any local authorities for the reception into and custody in the lock-up house of one authority of persons belonging to the jurisdiction of the other authority may include the cost of conveying such persons to and from such lock-up houses previously to their committal for trial, and also the costs of conveying them to prison when committed for trial.

8. *Petty sessions houses and lock-ups to be deemed to be within the jurisdiction of contracting local authorities.*—Where any contract has been made by any two or more local authorities in pursuance of this act in relation to any place for holding petty sessions, or for transacting business to be performed by justices out of petty sessions, such place, for all purposes of and incidental to the holding of petty sessions and of the orders to be made and the other business to be transacted thereat, shall be deemed to be within the jurisdiction of each of such authorities respectively, and where any contract has been made by any two or more local authorities in pursuance of this act in relation to any lock-up house, such lock-up house for all purposes of and incidental to the power to detain therein and remand thereto, and to convey thereto and therefrom, persons taken into custody, and for all other purposes of a lock-up house, shall be deemed to be within the jurisdiction of each of such authorities respectively.

9. *Expenses how to be provided.*—All expenses payable by one local authority to another in pursuance of any contract made in pursuance of this act shall be raised and defrayed

in the same manner as such expenses would have been raised and defrayed if they had been incurred for the purposes of and in relation to the subject-matter of such contract by and within the jurisdiction of the authority that has contracted to pay the same.

10. *Effect of approval of Secretary of State and evidence of transactions.*—The approval of one of Her Majesty's principal Secretaries of State, when given to any contract made in pursuance of this act, shall be conclusive evidence that such contract is within, and has been duly made in pursuance of, the provisions of this act; and a copy of the *London Gazette* purporting to contain an announcement of any of the following facts:

1. That a common lock-up house has been established for the reception of persons taken into custody within any two or more jurisdictions, and not yet committed for trial:
2. That a place has in pursuance of this act been constituted a place for holding the petty sessions of particular petty sessional divisions, or for transacting business to be performed by justices out of petty sessions:
3. That a lock-up house situate in any particular place has been partly appropriated for the reception of persons who would otherwise be liable to be placed in a lock-up house situate within some other jurisdiction:

Shall be evidence of the facts stated in such announcement.

11. *Power to local authority to form committee of its own members and others.*—Any local authority may form a committee consisting of two or more of its members, and may delegate to such committee all or any powers conferred on them by this act, and may from time to time revoke or alter any power so given to such committee.

A committee may elect a chairman of their meetings. If no such chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting. A committee may meet and adjourn as they think proper. Every question at a meeting shall be determined by a majority of votes of the members present, and voting on that question; and in case of an equal division of votes the chairman shall have a second or casting vote.

The proceedings of a committee shall not be invalidated by

any vacancy or vacancies amongst its members, or, in case of a county, by the termination of the sessions by which they were appointed.

12. *Powers under this act to be in addition to powers under other acts.*—All powers conferred by this act shall be deemed to be in addition to and not in derogation of any other powers conferred by any other act of Parliament, and any such other powers may be exercised as if this act had not passed.

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31 VICT. CAP. 23.

*An Act to render valid Marriages heretofore solemnised in the Chapel of Ease of Frampton Mansel in the Parish of Sapperton in the County of Gloucester.*—[29th May, 1868.]

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## CAPITAL PUNISHMENT WITHIN PRISONS. ACT.

31 VICT. CAP. 24.

Sect.

### SUMMARY.

Preamble.

1. Short title.
2. Judgment of death to be executed within walls of prison.
3. Sheriff, &c., to be present.
4. Surgeon to certify death; and declaration to be signed by sheriff, &c.
5. Coroner's inquest on body.
6. Burial of body.
7. Power to Secretary of State to make rules, &c., to be observed on execution of judgment of death.
8. Such rules to be laid before Parliament.
9. Penalty for signing false certificate, &c.
10. Certificate, &c., to be sent to Secretary of State, and exhibited on or near entrance to prison.
11. Provisions as to duties and powers of sheriff, &c., extended.
12. Forms in schedule.
13. Modifications of act in Scotland.
14. Application of act to Ireland.
15. Saving clause as to legality of execution.
16. General saving.

Schedule.

### THE STATUTE.

*An Act to provide for carrying out of Capital Punishment within Prisons.*—[29th May, 1868.]

Whereas it is expedient that capital punishments should be carried into effect within prisons: Be it enacted by the Queen's

most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :

Sect. 1. *Short title.*—This act may be cited for all purposes as “The Capital Punishment Amendment Act, 1868.”

2. *Judgment of death to be executed within walls of prison.*—Judgment of death to be executed on any prisoner sentenced after the passing of this act on any indictment or inquisition for murder shall be carried into effect within the walls of the prison in which the offender is confined at the time of execution.

3. *Sheriff, &c., to be present.*—The sheriff charged with the execution, and the gaoler, chaplain, and surgeon of the prison, and such other officers of the prison as the sheriff requires, shall be present at the execution.

Any justice of the peace for the county, borough, or other jurisdiction to which the prison belongs, and such relatives of the prisoner or other persons as it seems to the sheriff or the visiting justices of the prison proper to admit within the prison for the purpose, may also be present at the execution.

4. *Surgeon to certify death; and declaration to be signed by sheriff, &c.*—As soon as may be after judgment of death has been executed on the offender, the surgeon of the prison shall examine the body of the offender, and shall ascertain the fact of death, and shall sign a certificate thereof, and deliver the same to the sheriff.

The sheriff and the gaoler and chaplain of the prison, and such justices and other persons present (if any) as the sheriff requires or allows, shall also sign a declaration to the effect that judgment of death has been executed on the offender.

5. *Coroner's inquest on body.*—The coroner of the jurisdiction to which the prison belongs wherein judgment of death is executed on any offender shall within twenty-four hours after the execution hold an inquest on the body of the offender, and the jury at the inquest shall inquire into and ascertain the identity of the body, and whether judgment of death was duly executed on the offender; and the inquisition shall be in duplicate, and one of the originals shall be delivered to the sheriff.

No officer of the prison or prisoner confined therein shall in any case be a juror on the inquest.

6. *Burial of body.*—The body of every offender executed shall be buried within the walls of the prison within which judgment of death is executed on him; provided that if one of Her Majesty's principal Secretaries of State is satisfied on the representation of the visiting justices of a prison that there is not convenient space within the walls thereof for the burial of offenders executed therein, he may, by writing under his hand, appoint some other fit place for that purpose, and the same shall be used accordingly.

7. *Power to Secretary of State to make rules, &c., to be observed on execution of judgment of death.*—One of Her Majesty's principal Secretaries of State shall from time to time make such rules and regulations to be observed on the execution of judgment of death in every prison as he may from time to time deem expedient for the purpose, as well of guarding against any abuse in such execution as also of giving greater solemnity to the same, and of making known without the prison walls the fact that such execution is taking place.

8. *Such rules to be laid before Parliament.*—All such rules and regulations shall be laid upon the tables of both Houses of Parliament within six weeks after the making thereof, or if Parliament be not then sitting within fourteen days after the next meeting thereof.

9. *Penalty for signing false certificate, &c.*—If any person knowingly and wilfully signs any false certificate or declaration required by this act, he shall be guilty of a misdemeanor, and on conviction thereof shall be liable, at the discretion of the court, to imprisonment for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

10. *Certificate, &c. to be sent to Secretary of State, and exhibited on or near entrance to prison.*—Every certificate and declaration and the duplicate of the inquisition required by this act shall in each case be sent with all convenient speed by the sheriff to one of Her Majesty's principal Secretaries of State, and printed copies of the same several instruments shall as soon as possible be exhibited and shall for twenty-four hours at least be kept exhibited on or near the principal entrance of the prison within which judgment of death is executed.

11. *Provisions as to duties and powers, &c. of sheriff extended.*—

The duties and powers by this act imposed on or vested in the sheriff may be performed by and shall be vested in his under sheriff or other lawful deputy acting in his absence and with his authority, and any other officer charged in any case with the execution of judgment of death.

The duties and powers by this act imposed on or vested in the gaoler of the prison may be performed by and shall be vested in the deputy gaoler (if any) acting in his absence and with his authority, and (if there is no officer of the prison called the gaoler) by the governor, keeper, or other chief officer of the prison and his deputy (if any) acting as aforesaid.

The duties and powers by this act imposed on or vested in the surgeon may be performed by and shall be vested in the chief medical officer of the prison (if there is no officer of the prison called the surgeon).

The duties by this act imposed on the chaplain may, in the event of the absence of the chaplain, be performed by the assistant chaplain or other person acting in place of the chaplain.

12. *Forms in schedule.*—The forms given in the schedule to this act, with such variations or additions as circumstances require, shall be used for the respective purposes in that schedule indicated, and according to the directions therein contained.

13. *Modifications of act in Scotland.*—This act shall apply to Scotland, with the modifications following; viz.

The expression "judgment of death" shall mean "sentence of death" pronounced by any competent court;

"Indictment" shall include "criminal letters;"

Any duty appointed to be performed to or by, or any power given to, a sheriff in England, shall in Scotland be performed to or by or be exercised by, the Lord Provost, or provost and other magistrates charged with seeing the sentence of death carried into effect, or by any one of their number specially named by the others for that purpose:

The expression "the visiting justices of the prison" shall in Scotland mean the members of the County Prison Board, acting under the provisions of the act twenty-third and twenty-fourth Victoria, chapter one hundred and five;

In lieu of the provisions contained in the sixth section hereof, the Procurator Fiscal of the jurisdiction within which the prison is situated wherein sentence of death is executed on

any offender shall within twenty-four hours after the execution hold a public inquiry before the sheriff or sheriff substitute of the county on the body of the offender, and in particular shall inquire into and ascertain the identity of the body, and whether sentence of death was duly executed on the offender; and the report or deliverance of the sheriff or sheriff substitute shall be in duplicate, and one of the originals shall be delivered to the Lord Provost or provost, or magistrates or magistrate, charged with seeing the sentence of death carried into effect:

The expression "a misdemeanor" shall mean "a crime and offence: "

The expression "the duplicate of the inquisition" in the tenth section hereof shall mean "the duplicate of the report or deliverance of the sheriff or sheriff substitute."

14. *Application of act to Ireland.*—In the application of this act to Ireland the expressions "chief secretary to the Lord Lieutenant," and "Board of Superintendence," shall be substituted for the expressions "one of Her Majesty's principal Secretaries of State," and "visiting justices," respectively.

15. *Saving clause as to legality of execution.*—The omission to comply with any provision of this act shall not make the execution of judgment of death illegal in any case where such execution would otherwise have been legal.

16. *General saving.*—Except in so far as is hereby otherwise provided, judgment of death shall be carried into effect in the same manner as if this act had not passed.

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## THE SCHEDULE.

### *Certificate of Surgeon.*

I, *A.B.*, the surgeon [*or as the case may be*] of the [*describe prison*], hereby certify that I this day examined the body of *C.D.*, on whom judgment of death was this day executed in the [*describe same prison*]; and that on that examination I found that the said *C.D.* was dead.

Dated this                      day of                      .

(Signed)                      *A.B.*

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*Declaration of Sheriff and others.*

We, the undersigned, hereby declare that judgment of death was this day executed on *C.D.* in the [*describe prison*] in our presence.

Dated this                      day of                      .  
 (Signed)                      *E.F.*, Sheriff of                      .  
    *L.M.*, Justice of the Peace for                      .  
    *G.H.*, Gaoler of                      .  
    *J.K.*, Chaplain of                      .  
    &c.                      &c.

## 31 VICT. CAP. 25.

*An Act to extend the Industrial Schools Act to Ireland.—*  
*[29th May, 1868.]*

## 31 VICT. CAP. 26.

*An Act to enable certain guaranteed Indian Railway Companies to raise Money on Debenture Stock.—[29th May, 1868.]*

## 31 VICT. CAP. 27.

*An Act for raising the Sum of One million six hundred thousand Pounds by Exchequer Bonds for the Service of the Year ending on the Thirty-first day of March, One thousand eight hundred and sixty-nine.—[29th May, 1868.]*

## CUSTOMS AND INCOME TAX ACT.

## 31 VICT. CAP. 28.

Sect.

## SUMMARY.

Preamble.

1. Grant of duties specified in schedules annexed.
2. Provisions of former acts to apply to this act.
3. The sums assessed to the income tax under Schedules (A.) and (B.) for the year 1867 to be taken as the annual value for assessment under this act.
4. Assessors not to be appointed for duties under Schedules (A.) and (B.)

5. The provision made for assessing the income-tax on the interest and dividends payable in the United Kingdom arising out of foreign companies extended to annuities, pensions, &c., payable out of funds in India.

Schedules.

#### THE STATUTE.

*An Act to grant certain Duties of Customs and Income Tax.—*

[29th May, 1868.]

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Grant of duties specified in schedules annexed.*—There shall be charged, collected, and paid for the use of Her Majesty, her heirs and successors, the duties of customs and income tax specified in the Schedules marked respectively (A.) and (B.) to this act annexed: and the said duties shall be charged, collected, and paid for and during the periods specified in that behalf in the said schedules respectively, and the said schedules shall be deemed to be part of this act.

2. *Provisions of former acts to apply to this act.*—All the powers, provisions, allowances, exemptions, forfeitures, and penalties contained in or imposed by any act or acts, or any schedule thereto, relating to customs duties, and in force at the time of the passing of this act, and relating to the duties of income tax, and in force on the fifth day of April, one thousand eight hundred and sixty-eight, shall respectively be in full force and effect with respect to the said duties granted by this act, so far as the same are applicable, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said duties, and otherwise in relation thereto, so far as the same shall not be superseded by

and shall be consistent with the provisions of this act, as fully and effectually to all intents and purposes as if the same had been herein expressly enacted with reference to the said duties respectively; and for the purposes of this act the year one thousand eight hundred and sixty-two mentioned in the forty-third section of the act passed in the twenty-fifth year of Her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and sixty eight.

3. *The sums assessed to the income tax under Schedules (A.) and (B.) for the year 1867 to be taken as the annual value for assessment under this act.*—The sum charged as the annual value or amount of any property, profits, or gains in the several and respective assessments of income tax made in pursuance of the act passed in the thirtieth year of Her Majesty's reign, chapter twenty-three, under Schedules (A.) and (B.) respectively of the act passed in the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, for the year ended on the fifth day of April, one thousand eight hundred and sixty-eight, shall (except in cases for which other provision is made by the acts relating to income tax) be taken as the annual value or amount of such property, profits, or gains respectively for the year commencing on the sixth day of April, one thousand eight hundred and sixty-eight, and the duties of income tax granted by this act, and chargeable under the said schedules respectively, shall be computed, assessed, and charged according to such annual value or amount, and the commissioners executing the income-tax acts shall, for each place within their several and respective districts, cause duplicates of the assessments of the said duties so computed, assessed, and charged under the said Schedules (A.) and (B.) for the said last-mentioned year to be made out and delivered together with warrants for collecting the same; and in England the said commissioners shall appoint such persons, being inhabitants of the place to which the duplicate shall relate, as they the said commissioners shall think fit, to be collectors of the duties thereby charged, in like manner as if such persons had been presented to them by assessors under the acts now in force: provided always, that the said assessments shall be subject to be increased in like manner as the assessments made for the year ended on the fifth day of April, one thousand eight hundred and sixty-eight, and subject also to be abated or discharged at the

end of the year commencing on the sixth day of April, one thousand eight hundred and sixty-eight, for any cause allowed by the said acts; provided that whenever it shall appear that any property, profits, or gains chargeable under the said Schedules (A.) and (B.) respectively have not been charged by the assessments made for the year ended on the fifth day of April, one thousand eight hundred and sixty-eight, such property, profits, and gains shall be assessed to the duties of income tax granted by this act under the provisions of the said several acts applicable thereto.

4. *Assessors not to be appointed for duties under Schedules (A.) and (B.).*—No assessors shall be appointed for the duties payable under the said Schedules (A.) and (B.), but the inspectors or surveyors of taxes shall act as assessors in respect of such duties whenever it shall be necessary; and in lieu of the poundage granted by the one hundred and eighty-third section of the act of the fifth and sixth years of Her Majesty, chapter thirty-five, to be divided between the assessors and collectors in regard to the duties which shall be collected under the said Schedules (A.) and (B.), there shall be paid a poundage of three halfpence to the collectors of the said duties.

5. *The provision made for assessing the income-tax on the interest and dividends payable in the United Kingdom arising out of foreign companies extended to annuities, pensions, &c., payable out of funds in India.*—The provisions contained in section ten of the said act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, with reference to the assessing and charging the income-tax on interest, dividends, or other annual payments payable out of or in respect of the stocks, funds, or shares of any foreign company, society, adventure, or concern, shall be and the same are hereby extended and shall be applied to the assessing and charging of the income-tax on all annuities, pensions, or other annual sums payable out of the funds of any institution in India, which said annuities, pensions, or annual sums have been or shall be intrusted to any person in the United Kingdom for payment to any person resident in the United Kingdom.

## SCHEDULES.

## SCHEDULE (A.)

*Containing the Duties of Customs granted by this Act.*

The duties of customs now charged on tea shall continue to be levied and charged.

On and after the first day of August, one thousand eight hundred and sixty-eight, until the first day of August, one thousand eight hundred and sixty-nine, on the importation thereof into Great Britain and Ireland; that is to say,

					£	s.	d.
Tea	...	...	...	per lb.	0	0	6

## SCHEDULE (B.)

*Containing the Duties of Income-tax granted by this Act.*

For one year commencing on the sixth day of April, one thousand eight hundred and sixty-eight, for and in respect of all property, profits, and gains mentioned or described as chargeable in the act passed in the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, for granting to Her Majesty duties on profits arising from property, professions, trades, and offices, the following duties shall be charged; (that is to say,)

For every twenty shillings of the annual value or amount of all such property, profits, and gains (except those chargeable under Schedule (B.) of the said act), the duty of sixpence;

And for and in respect of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said act, for every twenty shillings of the annual value thereof:

In England, the duty of threepence.

And in Scotland and Ireland respectively, the duty of twopence farthing:

Subject to the provisions contained in section three of the act twenty-sixth Victoria, chapter twenty-two, for the exemption of persons whose whole income from every source is under one hundred pounds a year, and relief of those whose income is under two hundred pounds a year.

## MEDICAL PRACTITIONERS (COLONIES) ACT.

31 VIOT. CAP. 29.

Sect.

## SUMMARY.

Preamble.

1. Short title.
2. Interpretation of act.
3. Power to colonial legislatures to enforce registration of persons registered under "The Medical Act."

## THE STATUTE.

*An Act to amend the Law relating to Medical Practitioners in the Colonies.*—[29th May, 1868.]

Whereas by the thirty-first section of "The Medical Act," passed in the session holden in the twenty-first and twenty-second years of Her Majesty, chapter ninety, it is enacted as follows: "Every person registered under this act shall be entitled, according to his qualification or qualifications, to practise medicine or surgery, or medicine and surgery, as the case may be, in any part of Her Majesty's dominions, and to demand and recover in any court of law, with full costs of suit, reasonable charges for professional aid, advice, and visits, and the cost of any medicines or other medical or surgical appliances, rendered or supplied by him to his patients:" And whereas it is expedient to amend the said enactment: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Short title.*—This act may be cited as "The Medical Act Amendment Act, 1868."

2. *Interpretation of act.*—The term "colony" shall in this act include all of Her Majesty's possessions abroad in which there shall exist a legislature as hereinafter defined, except the Channel Islands and the Isle of Man.

The term "colonial legislature" shall signify the authority other than the Imperial Parliament or Her Majesty in Council competent to make laws for any colony.

3. *Power to colonial legislatures to enforce registration of persons registered under "The Medical Act."*—Every colonial legislature shall have full power from time to time to make laws for the purpose of enforcing the registration within its jurisdiction of persons who have been registered under "The Medical Act," anything in the said act to the contrary notwithstanding: provided, however, that any person who has been duly registered under "The Medical Act" shall be entitled to be registered in any colony, upon payment of the fees (if any) required for such registration, and upon proof, in such manner as the said colonial legislature shall direct, of his registration under the said act.

## 31 VICT. CAP. 30.

*An Act to amend the Act of the Seventh and Eighth Years of the Reign of Victoria, Chapter Forty-four, relating to the Formation of quoad sacra Parishes in Scotland, and to repeal the Act of the Twenty-ninth and Thirtieth Years of the Reign of Victoria, Chapter Seventy-seven.*—[29th May, 1868.]

## 31 &amp; 32 VICT. CAP. 31.

*An Act to amend the Act passed in the Session of Parliament held in Ireland in the Thirty-ninth Year of the Reign of his Majesty King George the Third, intituled "An Act for the better Regulation of Stockbrokers."*—[25th June, 1868.]

## ENDOWED SCHOOLS ACT,

## 31 &amp; 32 VICT. CAP. 32.

## Sect.

## SUMMARY.

Preamble.

1. Short title.
2. Persons appointed after passing of act to take office subject to future legislation.
3. Definition of "governing body."
4. Definition of "office or emolument."
5. Not to affect tenure of any scholarship, &c., as herein specified.
6. Duration of act.

## THE STATUTE.

*An Act for annexing Conditions to the Appointment of Persons to Offices in certain Schools.*—[25th June, 1868.]

Whereas the commissioners appointed to inquire into the education given in schools not comprised within the scope of certain letters patent of Her Majesty, bearing date respectively the thirtieth day of June, one thousand eight hundred and fifty-eight, and the eighteenth day of July, one thousand eight hundred and sixty-one, made their report, dated the second day of December, one thousand eight hundred and sixty-seven :

And whereas by such report it appears that legislation will be necessary with a view to carry into effect the recommendations therein contained with respect to such of the aforesaid schools as are endowed :

And whereas it is expedient that no impediment should be created to the free action of the Legislature in carrying into effect such recommendations by the acquisition of vested interests by persons appointed to offices or other emoluments after the passing of this act :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Short title.*—This act may be cited for all purposes as “The Endowed Schools Act, 1868.”

2. *Persons appointed after passing of act to take office subject to future legislation.*—Every person appointed after the passing of this act to any office or emolument in or in the gift of the governing body of any of the said schools shall take and hold such office or emolument subject to such provisions and regulations as may hereafter be enacted respecting the same.

3. *Definition of “governing body.”*—For the purposes of this act the term “governing body” shall include patrons, trustees, governors, or other persons in whom is vested the right of appointing new masters in the said schools on vacancies occurring, and of holding and managing the property of the said schools, or either of such rights.

4. *Definition of “office or emolument.”*—“Office or emolument” shall include any mastership, also any office to which the duty of teaching grammar is attached, also any employment in or about the estates or property of the governing body, also any pension or compensation allowance.

5. *Not to affect tenure of any scholarship, &c., as herein specified.*—This act shall not affect the tenure of any scholarship, exhibition, or other like emolument, or any pension or compensation allowance to which any person is entitled by reason of a certain number of years' service, and the amount of which is not in the discretion of the governing body.

6. *Duration of act.*—This act shall continue in force until the first day of August, one thousand eight hundred and sixty-nine, and to the end of the then next session of Parliament.

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## COTTON STATISTICS ACT.

31 &amp; 32 VICT. CAP. 33.

Sect.

SUMMARY.

- Preamble.
- 1. Short title.
- 2. Interpretation of terms.
- 3. Forwarders of cotton to make monthly returns to the Board of Trade.
- 4. Publication of information.
- 5. Penalty.
- 6. Orders in council for execution of act, &c.

## THE STATUTE.

*An Act for the Collection and Publication of Cotton Statistics.—*  
[25th June, 1868.]

Whereas it would be of great public advantage if statistical information respecting the quantity of cotton imported into the United Kingdom, and the quantity removed (either by sea or land) from and to, and held in stock at, the several ports, were periodically obtained and published by authority: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Short title.*—This act may be cited for all purposes as the "Cotton Statistics Act, 1868."

2. *Interpretation of terms.*—In this act—

The term "forwarder" shall mean and include every owner or lessee of any railway, canal, or inland navigation who carries or conveys cotton for toll or other consideration from or to any port in the United Kingdom.

3. *Forwarders of cotton to make monthly returns to the Board of Trade.*—Every forwarder shall on the fourth day of July, one thousand eight hundred and sixty-eight, and on the fourth day of every subsequent month, make a return in writing to the Board of Trade, in such convenient form as the Board of Trade may order, showing the quantity of cotton forwarded or received by him or them from or to any port in the United Kingdom within the then last preceding month.

4. *Publication of information.*—The several returns made to the Board of Trade under this act shall be published in the same

manner as other statistical information is published by that board.

5. *Penalty*.—If any such forwarder be summoned by the Board of Trade to comply with the requirements of this act, and fail to do so, he or they shall for every offence be liable on summary conviction to a penalty not exceeding twenty pounds.

6. *Orders in council for execution of act, &c.*—It shall be lawful for Her Majesty in Council from time to time to make by order in council such provisions as seem fit for the better execution of this act, and for otherwise procuring and publishing statistical information respecting the stock of and the importation of cotton into, and the exportation thereof from, and the transport and warehousing thereof within, the United Kingdom, and for the publication from time to time of such information. All such orders in council shall be published in the London, Edinburgh, and Dublin *Gazettes*, and shall be laid before both Houses of Parliament.

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#### 31 & 32 VICT. CAP. 34.

*An Act to alter some Provisions in the existing Acts as to Registration of Writs in certain Registers in Scotland.*—[25th June, 1868.]

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#### 31 & 32 VICT. CAP. 35.

*An Act to extend the Provision in "The Duchy of Cornwall Management Act, 1863," relating to permanent Improvements,*—[25th June, 1868.]

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### ALKALI ACT.

#### 31 & 32 VICT. CAP. 36.

Sect.

#### SUMMARY.

Preamble—26 & 27 Vict. c. 124.

1. Sect. 19 of recited act repealed.

#### THE STATUTE.

*An Act to make perpetual the Alkali Act, 1863.*—[25th June, 1868.]

26 & 27 Vict. c. 124.—Whereas by the Alkali Act, 1863, twenty-six and twenty-seven Victoria, chapter one hundred and twenty-four, section nineteen, it was provided that the same

should continue in force to the first day of July, one thousand eight hundred and sixty-eight, and no longer :

And whereas it is expedient to make perpetual the said act :

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Sect. 19 of recited act repealed.*—The nineteenth section of the said act is hereby repealed, and the said act continued without any such limitation.

## DOCUMENTARY EVIDENCE ACT.

31 & 32 VICT. CAP. 37.

Sect.

### SUMMARY.

Preamble.

1. Short title.

2. Mode of proving certain documents.

3. Act to be in force in colonies.

4. Punishment of forgery.

5. Definition of terms: "British colony and possession;" "Legislature;" "Privy Council;" "Government printer;" "Gazette."

6. Act to be cumulative.

Schedule.

### THE STATUTE.

*An Act to amend the Law relating to Documentary Evidence in certain Cases.*—[25th June, 1868.]

Whereas it is expedient to amend the law relating to evidence :  
Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Short title.*—This act may be cited for all purposes as "The Documentary Evidence Act, 1868."

2. *Mode of proving certain documents.*—*Primâ facie* evidence of any proclamation, order, or regulation issued before or after the passing of this act by Her Majesty or by the Privy Council, also of any proclamation, order, or regulation issued before or after the passing of this act by or under the authority of any such department of the Government or officer as is mentioned in

the first column of the schedule hereto, may be given in all courts of justice, and in all legal proceedings whatsoever, in all or any of the modes hereinafter mentioned; that is to say:

- (1.) By the production of a copy of the *Gazette* purporting to contain such proclamation, order, or regulation.
- (2.) By the production of a copy of such proclamation, order, or regulation purporting to be printed by the Government printer, or where the question arises in a court in any British colony or possession, of a copy purporting to be printed under the authority of the legislature of such British colony or possession.
- (3.) By the production, in the case of any proclamation, order, or regulation issued by Her Majesty or by the Privy Council of a copy or extract purporting to be certified to be true by the clerk of the Privy Council or by any one of the Lords or others of the Privy Council, and, in the case of any proclamation, order, or regulation issued by or under the authority of any of the said departments or officers, by the production of a copy or extract purporting to be certified to be true by the person or persons specified in the second column of the said schedule in connection with such department or officer.

Any copy or extract made in pursuance of this act may be in print or in writing, or partly in print and partly in writing.

No proof shall be required of the handwriting or official position of any person certifying, in pursuance of this act, to the truth of any copy of or extract from any proclamation, order, or regulation.

3. *Act to be in force in colonies.*—Subject to any law that may be from time to time made by the legislature of any British colony or possession, this act shall be in force in every such colony and possession.

4. *Punishment of forgery.*—If any person commits any of the offences following; that is to say,

- (1.) Prints any copy of any proclamation, order, or regulation which falsely purports to have been printed by the Government printer, or to be printed under the authority of the legislature of any British colony or possession, or tenders in evidence any copy of any proclamation,

order, or regulation which falsely purports to have been printed as aforesaid, knowing that the same was not so printed; or,

- (2.) Forges or tenders in evidence, knowing the same to have been forged, any certificate by this act authorised to be annexed to a copy of or extract from any proclamation, order, or regulation;

he shall be guilty of felony, and shall on conviction be liable to be sentenced to penal servitude for such term as is prescribed by "The Penal Servitude Act, 1864," as the least term to which an offender can be sentenced to penal servitude, or to be imprisoned for any term not exceeding two years, with or without hard labour.

5. *Definition of terms:* "*British colony and possession*;" "*Legislature*;" "*Privy Council*;" "*Government printer*;" "*Gazette*."—The following words shall in this act have the meaning hereinafter assigned to them, unless there is something in the context repugnant to such construction; (that is to say,)

"British colony and possession" shall for the purposes of this act include the Channel Islands, the Isle of Man, and such territories as may for the time being be vested in Her Majesty by virtue of any act of Parliament for the government of India and all other Her Majesty's dominions.

"Legislature" shall signify any authority other than the Imperial Parliament or Her Majesty in Council competent to make laws for any colony or possession.

"Privy Council" shall include Her Majesty in Council and the Lords and others of Her Majesty's Privy Council, or any of them, and any Committee of the Privy Council that is not specially named in the schedule hereto.

"Government printer" shall mean and include the printer to Her Majesty and any printer purporting to be the printer authorised to print the statutes, ordinances, acts of state, or other public acts of the legislature of any British colony or possession, or otherwise to be the Government printer of such colony or possession.

"Gazette" shall include the *London Gazette*, the *Edinburgh Gazette*, and the *Dublin Gazette*, or any of such *Gazettes*.

6. *Act to be cumulative.*—The provisions of this act shall be deemed to be in addition to, and not in derogation of, any powers of proving documents given by any existing statute or existing at common law.

### SCHEDULE.

Column 1. Name of Department or Officer.	Column 2. Names of Certifying Officers.
The Commissioners of the Treasury.	Any Commissioner, Secretary, or Assistant Secretary of the Treasury.
The Commissioners for executing the Office of Lord High Admiral.	Any of the Commissioners for executing the Office of Lord High Admiral or either of the Secretaries to the said Commissioners.
Secretaries of State.	Any Secretary or Under-Secretary of State.
Committee of Privy Council for Trade.	Any Member of the Committee of Privy Council for Trade or any Secretary or Assistant Secretary of the said Committee.
The Poor Law Board.	Any Commissioner of the Poor Law Board or any Secretary or Assistant Secretary of the said Board.

### 31 & 32 VICT. CAP. 38.

*An Act for the Appropriation of certain unclaimed Shares of Prize Money acquired by Soldiers and Seamen in India.*—[25th June, 1868.]

### 31 & 32 VICT. CAP. 39.

*An Act to give Relief to Jurors who may refuse or be unwilling from alleged conscientious Motives to be sworn in Civil or Criminal Proceedings in Scotland.*—[25th June, 1868.]

## PARTITION ACT.

31 &amp; 32 VICT. CAP. 40.

## Sect.

## SUMMARY.

1. Short title.
2. As to the term "court."
3. Power to court to order sale instead of division.
4. Sale on application of certain proportion of parties interested.
5. As to purchase of share of party desiring sale.
6. Authority for parties interested to bid.
7. Application of Trustee Act (13 & 14 Vict. c. 60).
8. Application of proceeds of sale (19 & 20 Vict. c. 120).
9. Parties to partition suits.
10. Costs in partition suits.
11. As to general orders under this act (21 & 22 Vict. c. 27).
12. Jurisdiction of County Courts in partition (28 & 29 Vict. c. 99).

## THE STATUTE.

*An Act to amend the Law relating to Partition.*—[25th June, 1868.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Short title.*—This act may be cited as "The Partition Act, 1868."

2. *As to the term "court."*—In this act the term "the court" means the Court of Chancery in England, the Court of Chancery in Ireland, the Landed Estates Court in Ireland, and the Court of Chancery of the county palatine of Lancaster, within their respective jurisdictions.

3. *Power to court to order sale instead of division.*—In a suit for partition, where, if this act had not been passed, a decree for partition might have been made, then if it appears to the court that, by reason of the nature of the property to which the suit relates, or of the number of the parties interested or presumptively interested therein, or of the absence or disability of some of those parties, or of any other circumstance, a sale of the property and a distribution of the proceeds would be more beneficial for the parties interested than a division of the property between or among them, the court may, if it thinks fit, on the request of any of the parties interested, and notwithstanding the dissent or disability of any

others of them, direct a sale of the property accordingly, and may give all necessary or proper consequential directions.<sup>(1)</sup>

4. *Sale on application of certain proportion of parties interested.*—In a suit for partition, where, if this act had not been passed, a decree for partition might have been made, then if the party or parties interested, individually or collectively, to the extent of one moiety or upwards in the property to which the suit relates, request the court to direct a sale of the property and a distribution of the proceeds instead of a division of the property between or among the parties interested, the court shall, unless it sees good reason to the contrary, direct a sale of the property accordingly, and give all necessary or proper consequential directions.

5. *As to purchase of share of party desiring sale.*—In a suit for partition, where, if this act had not been passed, a decree for partition might have been made, then if any party interested in the property to which the suit relates requests the court to direct a sale of the property and a distribution of the proceeds instead of a division of the property between or among the parties interested, the court may, if it thinks fit, unless the other parties interested in the property, or some of them, undertake to purchase the share of the party requesting a sale, direct a sale of the property, and give all necessary or proper consequential directions, and in case of such undertaking being given the court may order a valuation of the share of the party requesting a sale in such manner as the court thinks fit, and may give all necessary or proper consequential directions.

6. *Authority for parties interested to bid.*—On any sale under this act the court may, if it thinks fit, allow any of the parties interested in the property to bid at the sale, on such terms as to nonpayment of deposit, or as to setting off or accounting for the purchase money or any part thereof instead of paying the same, or as to any other matters, as to the court seem reasonable.

7. *Application of Trustee Act (13 & 14 Vict. c. 60).*—Section

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<sup>(1)</sup> As to the circumstances under which a sale has been ordered by the Court of Chancery, instead of a partition of real estate, see *Hubbard v. Hubbard* (2 H. & M. 38), *Davis v. Turvey* (32 Beav. 554), *Fleming v. Armstrong* (34 Beav. 109), and *Rickards v. Rickards* (36 L. J. Ch. 176).



thirty of "The Trustee Act, 1850,"<sup>(2)</sup> shall extend and apply to cases where, in suits for partition, the court directs a sale instead of a division of the property.

8. *Application of proceeds of sale* (19 & 20 Vict. c. 120).—Sections twenty-three to twenty-five<sup>(3)</sup> (both inclusive) of the act of the session of the nineteenth and twentieth years of Her Majesty's reign (chapter one hundred and twenty), "to facilitate leases and sales of settled estates," shall extend and apply to money to be received on any sale effected under the authority of this act.

9. *Parties to partition suits*.—Any person who, if this act had not been passed, might have maintained a suit for partition may maintain such suit against any one or more of the parties interested, without serving the other or others (if any) of those parties; and it shall not be competent to any defendant in the suit to object for want of parties; and at the hearing of the cause the court may direct such inquiries as to the nature of the property, and the persons interested therein, and other matters, as it thinks necessary or proper with a view to an order

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<sup>(2)</sup> The following is sect. 30 of "The Trustee Act, 1850": "And be it enacted, that where any decree shall be made by any court of equity for the specific performance of a contract concerning any lands, or for the partition or exchange of any lands, or generally where any decree shall be made for the conveyance or assignment of any lands, either in cases arising out of the doctrine of election, or otherwise, it shall be lawful for the said court to declare that any of the parties to the said suit wherein such decree is made, are trustees of such lands, or any part thereof within the meaning of this act, or to declare concerning the interests of unborn persons who might claim under any party to the said suit, or under the will or voluntary settlement of any person deceased who was, during his lifetime, a party to the contract or transaction concerning which such decree is made, that such interests of unborn persons are the interests of persons who upon coming into existence would be trustees within the meaning of this act, and thereupon it shall be lawful for the Lord Chancellor intrusted as aforesaid, or the Court of Chancery, as the case may be, to make such order or orders as to the estates, rights, and interests of such persons, born or unborn, as the said court or the said Lord Chancellor might, under the provisions of this act, make concerning the estates, rights, and interests of trustees, born or unborn."

<sup>(3)</sup> See these sections Pract. Stats., 1856, p. 819. Sects. 23 and 24 direct the objects for which the moneys received on sales under that act are to be applied, and by sect. 25 until so applied the same is to be invested, and the dividends paid to the parties entitled.

for partition or sale being made on further consideration; but all persons who, if this act had not been passed, would have been necessary parties to the suit, shall be served with notice of the decree or order on the hearing, and after such notice shall be bound by the proceeding as if they had been originally parties to the suit, and shall be deemed parties to the suit; and all such persons may have liberty to attend the proceedings; and any such person may, within a time limited by general orders, apply to the court to add to the decree or order.

10. *Costs in partition suits.*—In a suit for partition the court may make such order as it thinks just respecting costs up to the time of the hearing.

11. *As to general orders under this act* (21 & 22 Vict. c. 27).—Sections nine, ten, and eleven of "The Chancery Amendment Act, 1858," relative to the making of general orders, shall have effect as if they were repeated in this act, and in terms made applicable to the purposes thereof.

12. *Jurisdiction of county courts in partition* (28 & 29 Vict. c. 99).—In England the county courts shall have and exercise the like power and authority as the Court of Chancery in suits for partition (including the power and authority conferred by this act) in any case where the property to which the suit relates does not exceed in value the sum of five hundred pounds, and the same shall be had and exercised in like manner and subject to the like provisions as the power and authority conferred by section one of "The County Courts Act, 1865."

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## THE BOROUGH ELECTORS ACT.

31 & 32 VICT. CAP. 41.

Sect.

### SUMMARY.

Preamble.

1. Short title.

2. Interpretation of terms.

3. On parliamentary electors ceasing to return members in pursuance of 30 & 31 Vict. c. 102, municipal burgesses substituted.

## THE STATUTE.

*An Act to make Provision in the Case of Boroughs ceasing to return Members to serve in Parliament respecting Rights of Election which have been vested in Persons entitled to vote for such Members.*—[13th July, 1868.]

Whereas in certain boroughs in England the persons entitled to vote for members to serve in Parliament for such boroughs are electors for other purposes, and it is expedient to make provision respecting electors for those purposes in the case of boroughs which will cease to return members after the next dissolution of Parliament :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Short title.*—This act may be cited as "The Borough Electors Act, 1868."

2. *Interpretation of terms.*—In this act—

The terms "parliamentary borough" and "parliamentary electors" mean respectively a borough which, prior to the passing of "The Representation of the People Act, 1867," returned a member or members to serve in Parliament, and the persons for the time being entitled to vote for such members or member :

The term "municipal borough" means a place subject to the provisions of the act of the session of the fifth and sixth years of the reign of his Majesty William the Fourth, chapter seventy-six, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales":

The term "burgesses" means the persons on the burgess roll for the time being in force in a municipal borough.

3. *On parliamentary electors ceasing to return members in pursuance of 30 & 31 Vict. c. 102, municipal burgesses substituted.*—Wherever the parliamentary electors in any place in England, where there is both a municipal and parliamentary borough, are by law electors for any other purpose, and the parliamentary borough in pursuance of "The Representation of the People Act, 1867," or of any act passed in the present

session, will cease after the next dissolution of Parliament to return a member to serve in Parliament, the burgesses of the municipal borough shall be electors for such purpose, and shall in all respects, so far as regards such purpose, be substituted for the parliamentary electors.

## 31 &amp; 32 VICT. CAP. 42.

*An Act to amend the Act of the Twenty-third and Twenty-fourth Years of the Reign of Her Majesty, Chapter Fifty, by abolishing the Rate imposed by the said Act on all Occupiers of Premises within the extended Municipal Boundaries of the City of Edinburgh.*—[13th July, 1868.]

## 31 &amp; 32 VICT. CAP. 43.

*An Act for extending the Provisions of The Thames Embankment and Metropolis Improvement (Loans) Act, 1864, and for amending the Powers of the Metropolitan Board of Works in Relation to Loans under that Act.*—[13th July, 1868.]

## RELIGIOUS, &amp;c., BUILDINGS (SITES) ACT.

## 31 &amp; 32 VICT. CAP. 44.

## Sect.

## SUMMARY.

## Preamble.

1. Grants of land for buildings for religious and certain other purposes to be exempt from 9 Geo. 2, c. 36, and sect. 2 of 24 & 25 Vict. c. 9.
2. Trustees may cause deeds to be enrolled in Chancery.
3. Deed need not be acknowledged in order to enrolment.

## THE STATUTE.

*An Act for facilitating the Acquisition and Enjoyment of Sites for Buildings for Religious, Educational, Literary, Scientific, and other Charitable Purposes.*—[13th July, 1868.]

Whereas it is expedient to afford greater facilities for the acquisition and enjoyment by societies or bodies of persons, associated together for religious, educational, literary, scientific,

or other like charitable purposes, of buildings and pieces of land as sites for buildings for such purposes: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Grants of land for buildings for religious and certain other purposes to be exempt from 9 Geo. 2, c. 36, and sect. 2 of 24 & 25 Vict. c. 9.*—All alienations, grants, conveyances, leases, assurances, surrenders, or other dispositions, except by will *bonâ fide* made after the passing of this act, to a trustee or trustees, on behalf of any society or body of persons associated together for religious purposes, or for the promotion of education, arts, literature, science, or other like purposes, of land, for the erection thereon of a building for such purposes or any of them, or whereon a building used or intended to be used for such purposes or any of them shall have been erected, shall be exempt from the provisions of an act passed in the ninth year of the reign of King George the Second, and intituled "An Act to restrain the Disposition of Lands whereby the same become unalienable," and also from the provisions of the second section of an act passed in the twenty-fourth year of the reign of Her present Majesty, intituled "An Act to amend the Law relating to the Conveyance of Land for Charitable Uses:" provided that such alienation, grant, conveyance, lease, assurance, surrender, or other disposition shall have been really and *bonâ fide* made for a full and valuable consideration actually paid upon or before the making of such alienation, grant, conveyance, lease, assurance, surrender, or other disposition, or reserved by way of rent, rent-charge, or other annual payment, or partly paid and partly reserved as aforesaid, without fraud or collusion, and provided that each such piece of land shall not exceed two acres in extent or area in each case.

2. *Trustees may cause deeds to be enrolled in Chancery.*—Provided always, that the trustee or trustees of any deed or instrument by which any such alienation, grant, conveyance, lease, assurance, surrender, or disposition shall have been made, or the trusts thereof declared, may, if he or they shall think fit, at any time cause such deed or instrument to be enrolled in Her Majesty's High Court of Chancery.

3. *Deed need not be acknowledged in order to enrolment.*—From and after the passing of this act it shall not be necessary to acknowledge any deed or instrument in order that the same may be enrolled in Her Majesty's High Court of Chancery.

## SEA FISHERIES ACT.

31 & 32 VICT. CAP. 45.

### SUMMARY.

#### PART I.

Sect.

#### *Preliminary.*

1. Division of act.
2. Short title.
3. Commencement of act.
4. Continuance of act as herein stated.
5. Interpretation of terms: "sea-fish;" "sea-fishing boat;" "British Islands;" "exclusive fishery limits;" "consular officer;" "court;" "person;" "the Irish Fishery Commissioners."

#### PART II.

#### CONVENTION AND FISHERIES.

##### *General Provisions.*

6. Confirmation of convention.
7. Power to Her Majesty, by orders in council, to make, &c., regulations for execution of act and maintenance of order.
8. Who are to be sea-fishery officers.
9. Powers of sea-fishery officers.
10. Protection of fishery officers.

##### *Fishery Regulations.*

11. Penalty on obstructing or disobeying sea-fishery officer.
12. As to violation of article 11 of convention.
13. As to violation of articles 12, 15, 16, 17, 19, 20, and 21 of convention.
14. Penalty for offences.
15. Offender belonging to a French boat to be sent back to France.

##### *Exclusive Fishery Limits.*

16. Penalties for violation of exclusive limits.

##### *Entry of Boats and Sale of Fish.*

17. As to suspension of article 31 of convention.
18. Power to commissioners of customs to make regulations respecting report and entry of sea-fishing boats.
19. As to the sale of fish.

*Lights.*

- 20. As to violation of articles 13 and 14 of convention.
- 21. Article 22 to be deemed included in term "wreck."

*Registry of Sea-Fishing Boats.*

- 22. As to entry or registry of British sea-fishing boat.
- 23. Power to Her Majesty in Council to provide for registry of British sea-fishing boats.
- 24. As to effect of registry.
- 25. Sect. 207 of 16 & 17 Vict. c. 107 not to apply to certain boats.
- 26. Sea-fishing boats within exclusive limits to have official papers.

## PART III.

## OYSTER FISHERIES.

*Preliminary.*

- 27. Part III. not to apply to places herein stated.
- 28. Interpretation of certain terms.

*Order for Fishery.*

- 29. Power to Board of Trade on memorial to make order for oyster fishery.
- 30. Publication of draft order and notice to owners of adjoining lands, &c.
- 31. Objections and representations respecting order.
- 32. Inquiry into proposed order by public sittings.
- 33. Report of inspector as to proposed order.
- 34. Settlement and making of order.
- 35. Publication of order.
- 36. Expenses connected with order.
- 37. Confirmation of order by act of Parliament.
- 38. Power to refer order to a select committee if opposed.
- 39. As to amendment of order by Board of Trade.
- 40. Effect of grant of several oyster fishery.
- 41. Effect of grant of power of regulating fishery.
- 42. Proof of marking of limits.
- 43. Fishery to be within county for purposes of jurisdiction.
- 44. Limitation on term of several fishery.
- 45. Condition for cesser of several fishery, if no adequate benefit.
- 46. Consent with respect to rights of the Crown or Duchies of Lancaster and Cornwall.
- 47. Compensation to landowners, &c.
- 48. Order of Board of Trade not to abridge right of several fishery, &c.

- 49. Copies of orders and acts printed by Queen's printer to be kept for sale.
- 50. Annual report of Board of Trade.

*Protection of Oyster Beds.*

- 51. Property in oysters, &c., within several fishery.
- 52. Property in oysters, &c., removed from several fishery.
- 53. Protection of several fishery.
- 54. Limits of fishery to be kept marked out.
- 55. Contiguous fisheries.
- 56. Application of act to orders, &c., under 29 & 30 Vict. c. 85.

PART IV.

LEGAL PROCEEDINGS.

- 57. Mode of recovering penalties.
- 58. Appeal.
- 59. Proceedings where offender belongs to a French boat.
- 60. Jurisdiction of courts.
- 61. Evidence taken in France.
- 62. Service to be good if made personally or on board ship.
- 63. Masters of boats liable to penalties imposed.
- 64. Application of penalties.
- 65. Saving of rights as herein stated.

PART V.

MISCELLANEOUS.

- 66. Confirmation of treaties for exempting from dues foreign sea-fishing boats entering British ports from stress of weather.
- 67. Regulations for oyster fisheries off the Irish coast.
- 68. Regulation as to seine-fishing in Cornwall.
- 69. As to publication and evidence of orders in council.
- 70. Application of act.
- 71. Repeal of acts as in second schedule.  
Schedules.

INTRODUCTION.

Part of this act is to give effect to a convention lately made between this country and France concerning fisheries in the seas adjoining those countries. When this convention comes into operation, which will be on a day to be fixed by the Governments of the two countries, the convention relating to the same object, made on the 2nd of August, 1839, will then cease, and the act 6 & 7 Vict. c. 79, for carrying such last-mentioned convention into effect, is repealed by the present statute. The new



convention is to be in force for ten years certain, and may be afterwards continued from year to year. The regulations under it for enforcing obedience to its provisions are more simple, and likely to be more effectual, than those under the old convention; but for offences committed outside the exclusive fishery limits of each country (which are within three miles from low-water mark of the coast) the offender must, as heretofore, be sent to his own country for trial. Mutual jealousy has prevented either country from trusting to the tribunals of the other. However, considerable facility is given to proving the case and obtaining a conviction against the offender. The depositions of the witnesses which have been taken in the country which is foreign to the offender, and to the port of which he may have been first carried, are transmitted to the authorities of the country to which the offender belongs, and where the trial is to take place; and, in the case of a trial in this country of an offender belonging to a British boat, the depositions, authenticated by the Commissary of Marine in France, are receivable in evidence without further proof of their authenticity. If the matter was fairly investigated at the French port in the presence of a British consular officer, and the accused had an opportunity of cross-examining the witnesses, and of making his defence, such consular officer is to certify that fact, and his certificate is made evidence of the same.

One of the principal advantages of the convention, viz., the admission of fish for sale in the fishing boats of either country at the ports of the other, is for the present postponed. The reason for this postponement is said to be in consequence of the difficulty of abolishing or reducing in France the customs duty on the importation of foreign fish into that country, and it is thought desirable to wait until that has been first effected. There is no duty in this country on foreign fish, but still such fish is not allowed to be brought here in foreign boats.

The third part of this act, which relates to the establishment of any oyster and mussel fishery, by an order of the Board of Trade, is a re-enactment, with certain modifications, of "The Oyster and Mussel Fisheries Act, 1866" (29 & 30 Vict. c. 85), which is repealed by the present act.

## THE STATUTE.

*An Act to carry into Effect a Convention between Her Majesty and the Emperor of the French concerning the Fisheries in the Seas adjoining the British Islands and France, and to amend the Laws relating to British Sea Fisheries.*—[13th July, 1868.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

## PART I.

*Preliminary.*

Sect. 1. *Division of act.*—This act shall be divided into parts as follows :

Part I. Preliminary.

Part II. Sea Fishery Convention.

Part III. Oyster Fisheries.

Part IV. Legal Proceedings.

Part V. Miscellaneous.

2. *Short title.*—This act may be cited as "The Sea Fisheries Act, 1868."

3. *Commencement of act.*—This act shall (except as is in this act expressly otherwise provided) come into force on such day as may be fixed by a notice in that behalf published in the *London Gazette*, which day is in this act referred to as the commencement of this act.

4. *Continuance of act as herein stated.*—So much of this act as relates to French subjects or French sea-fishing boats outside of the exclusive fishery limits of the British Islands and as gives powers to French sea-fishery officers, shall, on the determination of the convention set out in the first schedule to this act, cease to apply to French subjects, boats, and officers; but, subject as aforesaid, this act shall continue in force notwithstanding the determination of that convention.

5. *Interpretation of terms:* "sea-fish;" "sea-fishing boat;"

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*"British Islands;" "exclusive fishery limits;" "consular officer;" "court;" "person;" "the Irish Fishery Commissioners."*—In this act—

The term "sea-fish" does not include salmon, as defined by any act relating to salmon, but, save as aforesaid, includes every description both of fish and of shell fish which is found in the seas to which this act applies; and "sea-fishing," "sea-fisherman," and other expressions referring to sea-fish shall in this act be construed to refer only to sea-fish as before defined:

The term "sea-fishing boat" includes every vessel of whatever size, and in whatever way propelled, which is used by any person in sea-fishing, or in carrying on the business of a sea-fisherman:

The term "British Islands" includes the United Kingdom of Great Britain and Ireland, the Isle of Man, the islands of Guernsey, Jersey, Alderney, and Sark, and their dependencies; and the terms "Great Britain and Ireland" and "United Kingdom," as used in the first schedule to this act, shall be construed to mean the "British Islands" as herein defined:

The terms "exclusive fishery limits of the British Islands" and "exclusive fishery limits of France" mean the limits within which the exclusive right of fishing is by article one of the first schedule to this act reserved to British subjects and French subjects respectively:

The term "consular officer" includes consul-general, consul and vice-consul, and any person for the time being discharging the duties of consul-general, consul, or vice-consul; and the term "consular agent" in the first schedule to this act shall be construed to mean consular officer:

The term "court" includes any tribunal or magistrate exercising jurisdiction under this act:

The term "person" includes a body corporate:

The term "the Irish Fishery Commissioners" means the commissioners acting in execution of the act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter one hundred and six, intituled "An Act to regulate the Irish Fisheries, and the Acts amending the same."

## PART II.

## CONVENTION AND FISHERIES.

*General Provisions.*

6. *Confirmation of convention.*—The convention set out in the first schedule to this act (referred to in this act as the convention) is hereby confirmed, and the articles thereof and the declaration thereto annexed shall be of the same force as if they were enacted in the body of this act.

7. *Power to Her Majesty, by orders in council, to make, &c., regulations for execution of act and maintenance of order.*—It shall be lawful for Her Majesty from time to time, by order in council, to make, alter, and revoke regulations for carrying into execution this act and the intent and object thereof, and for the maintenance of good order among sea-fishing boats, and the persons belonging thereto, and to impose penalties not exceeding ten pounds for the breach of such regulations.

8. *Who are to be sea-fishery officers.*—The following persons shall have authority to enforce the provisions of this act and of any order in council made thereunder; namely, every officer of or appointed by the Board of Trade, every commissioned officer of any of Her Majesty's ships on full pay, every British consular officer, every collector and principal officer of customs in any place in the British Islands, every inspecting commander of the coast guard, every principal officer of a coast-guard station, and every commander of any vessel belonging to the French Government, and every person appointed by the French Government to superintend the fisheries referred to in the convention; and such persons are in this act referred to as sea-fishery officers.

9. *Powers of sea-fishery officers.*—A sea-fishery officer, for the purpose of enforcing the provisions of this act and of any order in council made thereunder, may, with respect to any sea-fishing boat within the exclusive fishery limits of the British Islands, and with respect to any British or French sea-fishing boat outside of those limits, in the seas to which this act applies, exercise the following powers:

- (1.) He may go on board it:
- (2.) He may require the owner, master, and crew, or any of them, to produce any certificates of registry, licences,

official logbooks, official papers, articles of agreement, muster rolls, and other documents relating to the boat or to the crew, or to any member thereof, or to any person on board the boat, which are in their respective possession or control on board the boat, and may take copies thereof or of any part thereof :

- (3.) He may muster the crew of the boat :
- (4.) He may require the master to appear and give any explanation concerning his boat and her crew, and any person on board his boat, and the said certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents, or any of them :
- (5.) He may examine all sails, lights, buoys, barrels, floats, nets, and implements of fishing belonging to the boat :
- (6.) He may make any examination and inquiry which he deems necessary to ascertain whether the provisions of this act, or of any order in council made thereunder, are complied with :
- (7.) He may, in the case of any person who has committed any of the acts constituted offences by this part of this act, or by any order in council made thereunder, without summons, warrant, or other process, both take the offender and the boat to which he belongs, and the crew thereof, to the nearest or most convenient port, and bring him or them before a competent court, and subject to article twenty-seven of the convention, detain him, it, and them in the port until the alleged offence has been adjudicated upon.

10. *Protection of fishery officers.*—A sea-fishery officer shall be entitled to the same protection in respect of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under this act as is given to any officer of customs by "The Customs Consolidation Act, 1858," and (with reference to the seizure or detention of any ship) by any act relating to the registry of British ships.

#### *Fishery Regulations.*

11. *Penalty on obstructing or disobeying sea-fishery officer.*—If any person obstructs any sea-fishery officer in acting under the

powers conferred by this act, or refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by, any sea-fishery officer in pursuance of this act, such person shall be deemed to have committed an offence against the fishery regulations of this act.

12. *As to violation of article 11 of convention.*—If any person belonging to a sea-fishing boat which is either British or French acts in contravention of article eleven of the first schedule to this act, such person shall be deemed to have committed an offence against the fishery regulations of this act.

13. *As to violation of articles 12, 15, 16, 17, 19, 20, and 21 of convention.*—If within the exclusive fishery limits of the British Islands any person, or if outside of those limits any person belonging to a sea-fishing boat which is either British or French, acts in contravention of articles twelve, fifteen, sixteen, seventeen, nineteen, twenty, and twenty-one of the first schedule to this act, or any of them, or causes injury to any person in any one or more of the following ways, namely, by assaulting any one belonging to another sea-fishing boat, or by causing damage to another sea-fishing boat, or to any property on board thereof or belonging thereto, such person shall be deemed to have committed an offence against the fishery regulations of this act.

14. *Penalty for offences.*—Every person who has committed an offence against the fishery regulations of this act within the exclusive fishery limits of the British Islands, and every person belonging to a British sea-fishing boat who has committed an offence against those regulations outside of those limits, shall be liable to a penalty of not less than eight shillings and not more than fifty pounds, or, in the discretion of the court, to imprisonment for not less than two days and not more than three months, with or without hard labour.<sup>(1)</sup>

If the offence is one by which some injury has been caused in any of the ways before mentioned the court may order the offender to pay in addition to any penalty a reasonable sum as compensation to the person injured, which sum may be recovered in the same manner as a penalty under this act.

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<sup>(1)</sup> In England, the penalty is recoverable before any justice, see *post*, sect. 57.

15. *Offender belonging to a French boat to be sent back to France.*—Where a person belonging to a French sea-fishing boat has committed, outside of the exclusive fishery limits of the British Islands, an offence against the fishery regulations of this act, he shall, after the evidence is taken as provided by this act, be sent back to France for trial.

*Exclusive Fishery Limits.*

16. *Penalties for violation of exclusive limits.*—If any person belonging to a French sea-fishing boat acts in contravention of articles thirty-two, thirty-three, and thirty-five of the first schedule to this act, or any of them, the master or person for the time being in charge of such boat shall be liable for the first offence to a penalty not exceeding ten pounds; for the second or any subsequent offence to a penalty not exceeding twenty pounds.

And the court may order that in default of payment of any such penalty the boat to which the offender belongs may be detained in some port of the British Islands for a period not exceeding three months from the date of the sentence inflicting the penalty.

*Entry of Boats and Sale of Fish.*

17. *As to suspension of article 31 of convention.*—Article thirty-one of the convention and the declaration annexed to the convention shall not come into force until such day as may be fixed in that behalf by a notice published in the *London Gazette*.

18. *Power to commissioners of customs to make regulations respecting report and entry of sea-fishing boats.*—The commissioners of Her Majesty's customs may from time to time make, alter, and revoke regulations for carrying into effect article thirty-one of the convention, and respecting the report of British sea-fishing boats which have visited foreign ports, and of sea-fishing boats which are not British, and respecting the entry and landing of fish taken by sea-fishing boats which are not British, or respecting any of such matters, and may for such purpose alter and dispense with all or any of the regulations and enactments relating to the aforesaid matters which are contained in this or any other act, or are otherwise from time to time in force.

The regulations so made shall be deemed to be regulations

within the meaning of section two hundred of "The Customs Consolidation Act, 1853."

19. *As to the sale of fish.*—After the commencement of this act all restrictions whatever, in England, on the sale of sea-fish, as defined by this act, which is not diseased, unsound, unwholesome, or unfit for the food of man, shall be abolished.

### *Lights.*

20. *As to violation of articles 13 and 14 of convention.*—Articles thirteen and fourteen of the first schedule to this act shall, as to all sea-fishing boats within the exclusive fishery limits of the British Islands, and as to British sea-fishing boats outside of these limits, have the same force as if they were regulations respecting lights within the meaning of the acts relating to merchant shipping, with this addition, that any sea-fishery officer shall have the same powers of enforcing such regulations as are given to any officer by such acts, and any infringement of the regulations contained in articles thirteen and fourteen shall be deemed an offence within the meaning of the portion of this act which gives power to sea-fishery officers.

21. *Article 22 to be deemed included in term "wreck."*—The boats and articles specified in article twenty-two of the first schedule to this act shall be deemed to be included in the term "wreck" as used in any act relating to merchant shipping.<sup>(2)</sup>

### *Registry of Sea-Fishing Boats.*

22. *As to entry or registry of British sea-fishing boat.*—Subject to any exemptions allowed by or in pursuance of any order in council made as hereinafter mentioned, every British sea-fishing boat shall, as required by articles four, five, six, seven, and eight of the convention, be lettered and numbered and have official papers, and shall for that purpose be entered or registered in a register for sea-fishing boats.

A British sea-fishing boat which is required to be entered or registered in pursuance of this part of this act, but is not so entered or registered, shall not be entitled to any of the

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<sup>(2)</sup> See Part VIII. of "Merchant Shipping Act, 1854" (17 & 18 Vict. c. 104), and sects. 49 to 53 of "Merchant Shipping Amendment Act, 1862" (25 & 26 Vict. c. 63).



privileges or advantages of a British sea-fishing boat, but all obligations, liabilities, and penalties with reference to such boat, and the punishment of offences committed on board her, or by any persons belonging to her, and the jurisdiction of officers and courts, shall be the same as if such boat were actually so entered or registered.

If any British sea-fishing boat required to be entered or registered in pursuance of this part of this act, and, not being so entered or registered, is used as a sea-fishing boat in the seas to which this act applies, the owner and the master of such boat shall each be liable to a penalty not exceeding twenty pounds; and any sea-fishery officer may seize and detain such boat and prevent it from going to sea and from sea-fishing until it is duly entered or registered, and may for that purpose, if it is at sea, take it back into the nearest or most convenient port in the British Islands.

*23. Power to Her Majesty in Council to provide for registry of British sea-fishing boats.*—It shall be lawful for Her Majesty by order in council from time to time to do all or any of the following things; namely,

- (a.) To make regulations for carrying out, enforcing, and giving effect to both the entry and registry of British sea-fishing boats, and also articles four, five, six, seven, and eight of the first schedule to this act:
- (b.) To adopt in such regulations any existing system of registry or lettering and numbering of boats, and to provide for bringing any such system into conformity with the requirements of the convention and this act, and with the said regulations:
- (c.) To define the boats or classes of boats to which such regulations or any of them are to apply, and to provide for the exemption of any boats or classes of boats from such regulations or any of them, and from the provisions of this part of this act with respect to entry or registry and the possession of a certificate of registry and official papers:
- (d.) To apply to the entry and registry respectively of sea-fishing boats so defined, and to all matters incidental thereto, such (if any) of the enactments contained in any act relating to the registry of British ships, and

with such modifications and alterations as may be found desirable:

(e.) To impose penalties not exceeding twenty pounds for the breach of any regulations made by any order in council, for the breach of which a punishment cannot be provided by the application of the enactments contained in any act relating to the registry of British ships:

(f.) To alter and revoke an order so made:

And every such order shall be of the same force as if it were enacted in this act.

24. *As to effect of registry.*—In all proceedings against the owner or master of or any person belonging to any boat registered or entered in the register for sea-fishing boats for offences against the fishery regulations or regulations as to lights in this act, and in all actions or suits for the recovery of damages for injury done by any such boat, such register, or the register under any act relating to the registry of British ships as to boats registered therein, shall be conclusive evidence that the persons registered at any date as owners of such boat were at that date owners thereof, and that the boat is a British sea-fishing boat: provided that—

- (1.) This provision shall not prevent any proceedings, actions or suit being taken or instituted against any person not registered who is beneficially interested in the boat:
- (2.) This provision shall not affect the rights of the owners among themselves, or the rights of any registered owner against any person not registered who is beneficially interested in the boat:
- (3.) Save as aforesaid, entry or registry in the register for sea-fishing boats shall not confer, take away, or affect any title to or interest in any sea-fishing boat.

25. *Sect. 207 of 16 & 17 Vict. c. 107 not to apply to certain boats.*—The two hundred and seventh section of "The Customs Consolidation Act, 1853," shall not apply to any British sea-fishing boat entered or registered in pursuance of this part of this act.

26. *Sea-fishing boats within exclusive limits to have official papers.*—Subject to any exemptions allowed by or in pursuance of such order in council, the master of every sea-fishing boat within the exclusive fishery limits of the British Islands, and of

every British sea-fishing boat outside of those limits, shall have on board his boat, if it is a British sea-fishing boat required by this part of this act to be entered or registered, the certificate of registry or official papers issued to the boat in pursuance of any act relating to the registry of British ships, or of this part of this act, and if it is not British, then official papers evidencing the nationality of such boat.

The master of any such boat who acts in contravention of this section, unless there is a reasonable cause for not having such certificate or official papers (proof whereof shall lie on him), shall be liable, together with his boat and crew, to be taken by any sea-fishery officer, without warrant, summons, or other process, into the nearest or most convenient port, and there to be ordered by the court, on any proceeding in a summary manner, to pay a penalty not exceeding twenty pounds, and if such penalty is not paid, and the boat is not British, such boat may be detained in port for a period not exceeding three months from the date of the sentence.

### PART III.

#### OYSTER FISHERIES.<sup>(\*)</sup>

##### *Preliminary.*

27. *Part III. not to apply to places herein stated.*—This part of this act shall not interfere with the jurisdiction or powers now possessed by the Irish Fishery Commissioners with regard to oyster fisheries, and shall not apply to Ireland, the Isle of Man, or the Islands of Guernsey, Jersey, Alderney, or Sark, or their dependencies, or to the seas adjoining the same, within the exclusive fishery limits of the British Islands, or to any seas outside of those exclusive fishery limits.

28. *Interpretation of certain terms.*—In this part of this act the words "oysters" and "mussels" respectively include the brood, ware, half-ware, spat, and spawn of oysters and mussels respectively.

In this part of the act the expression "oyster and mussel fishery" includes a fishery for either oysters or mussels separately, and the term "oyster or mussel fishery" includes a fishery

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(\*) This part is substantially a re-enactment, with some additional clauses, of "The Oyster and Mussel Fisheries Act, 1868" (29 & 30, Vict. c. 85), repealed by sect. 71 of the present act.

for both oysters and mussels; and the provisions of this part of this act shall be construed to apply in the case of any fishery to oysters and oyster ground and beds alone, or to mussels and mussel grounds and beds alone, or to both oysters and mussels and oyster and mussel ground and beds, according as the right of fishery is for oysters alone, or for mussels alone, or for both oysters and mussels.

*Order for Fishery.*

29. *Power to Board of Trade on memorial to make order for oyster fishery.*—An order for the establishment or improvement, and for the maintenance and regulation, of an oyster and mussel fishery on the shore and bed of the sea, or of an estuary or tidal river, above or below, or partly above and partly below, low-water mark (which shore and bed are in this part of this act referred to as the sea-shore), and including, if desirable, provisions for the constitution of a board or body corporate for the purpose of such order, may be made under this part of this act, on an application by a memorial in that behalf presented to the Board of Trade by any persons desirous of obtaining such an order (which persons are in this part of this act referred to as the promoters).

30. *Publication of draft order and notice to owners of adjoining lands, &c.*—If on consideration of the memorial the Board of Trade think fit to proceed in the case, the promoters shall cause printed copies of the draft of the order as proposed by them (with such modifications, if any, as the Board of Trade require) to be published and circulated in such manner as the Board of Trade think sufficient and proper for giving information to all parties interested, and shall give notice of the application, in such manner as the Board of Trade direct or approve, to the owners or reputed owners, lessees or reputed lessees, and occupiers (if any) of the portion of the sea-shore to which the proposed order relates, and of the lands adjoining thereto.

31. *Objections and representations respecting order.*—During one month after the first publication of the draft order the board of trade shall receive any objections or representations made to them in writing respecting the proposed order.

32. *Inquiry into proposed order by public sittings.*—The Board of Trade shall, as soon as conveniently may be after the expiration

of the said month, appoint some fit person to act as inspector respecting the proposed order.

The inspector shall proceed to make an inquiry concerning the subject matter of the proposed order, and for that purpose to hold a sitting or sittings in some convenient place in the neighbourhood of the portion of the sea-shore to which the proposed order relates, and thereat to take and receive any evidence and information offered, and hear and inquire into any objections or representations made respecting the proposed order, with power from time to time to adjourn any sitting; and the inspector may, for the purpose of such inquiry, take evidence, and by summons under his hand require the attendance of any person, and examine him and any person who attends before him, on oath or otherwise, as he thinks expedient, and may administer an oath or take any affidavit or declaration for the purpose of the inquiry; and any person so summoned who, after tender to him of his reasonable expenses, refuses or neglects to obey such summons, and any person who refuses or neglects to answer any question which the inspector is authorised to ask, shall be liable, on summary conviction, to a penalty not exceeding ten pounds for each offence; and any person who wilfully gives false evidence in any examination on oath in any such inquiry, or in an affidavit or declaration to be used in any such inquiry, shall be deemed guilty of perjury.

Notice shall be published in such manner as the Board of Trade direct of every such sitting (except an adjourned sitting) fourteen days at least before the holding thereof.

*33. Report of inspector as to proposed order.*—The inspector shall make a report in writing to the Board of Trade setting forth the result of the inquiry, and stating whether in his opinion the proposed order should be approved, with or without alteration, and if with any, then with what alteration, and his reasons for the same, and the objections and representations, if any, made on the inquiry, and his opinion thereon.

*34. Settlement and making of order.*—As soon as conveniently may be after the expiration of the said month, or after the receipt by the Board of Trade of the report of the inspector, they shall proceed to consider the objections or representations that have been made respecting the proposed order and also the report of the inspector, and thereupon they shall either refuse

the application or settle and make an order in such form and containing such provisions as they think expedient.

35. *Publication of order.*—Where the Board of Trade make an order, the promoters shall cause it to be published and circulated in such manner as the Board of Trade think sufficient for giving information to all parties interested, and shall give notice of it, in such manner as the Board of Trade direct or approve, to the owners or reputed owners, lessees or reputed lessees, and occupiers (if any) of the portion of the sea-shore to which the order relates, and of the lands adjoining thereto.

36. *Expenses connected with order.*—All expenses incurred by the Board of Trade in relation to any memorial, or to any order consequent thereon, shall be defrayed by the promoters, and the Board of Trade shall, if they think fit, on or at any time after the presentation of the memorial, require the promoters to pay to the Board of Trade such sum as the Board of Trade think requisite for or on account of those expenses, or to give security to the satisfaction of the Board of Trade for the payment of those expenses on demand.

37. *Confirmation of order by act of Parliament.*—An order of the Board of Trade under this part of this act shall not of itself have any operation, but the same shall have full operation when and as confirmed by act of Parliament, with such modifications, if any, as to Parliament seem fit.

38. *Power to refer order to a select committee if opposed.*—If in the progress through Parliament of a bill confirming an order a petition is presented to either House of Parliament against the order, the bill, as far as it relates to the order petitioned against, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in case of a private bill.

39. *As to amendment of order by Board of Trade.*—The Board of Trade may from time to time make an order for amending an order that has been confirmed by act of Parliament, and all the provisions of this part of this act relative to an original order shall apply also to an amending order, *mutatis mutandis*.

40. *Effect of grant of several oyster fishery.*—Where an order of the Board of Trade under this part of this act confers a right of several oyster and mussel fishery, the persons obtaining the order, in this act referred to as the grantees, shall, by virtue

of the order and of this part of this act, but subject to any restrictions and exceptions contained in the order, have, within the limits of the fishery, the exclusive right of depositing, propagating, dredging and fishing for, and taking oysters and mussels, and in the exercise of that right may, within the limits of the fishery, proceed as follows, namely, make and maintain oyster and mussel beds or either of them, and at any season collect oysters and mussels, and remove the same from place to place, and deposit the same as and where they think fit, and do all other things which they think proper for obtaining, storing, and disposing of the produce of their fishery.

41. *Effect of grant of power of regulating fishery.*—Where an order of the Board of Trade under this part of this act, without conferring a right of several oyster and mussel fishery, confers a right of regulating an oyster and mussel fishery, and imposes restrictions on or makes regulations respecting the dredging and fishing for and taking oysters and mussels, or either of them, within the limits of the regulated fishery, or imposes tolls or royalties upon persons dredging, fishing for, and taking oysters and mussels, or either of them, within the limits of such fishery, the persons obtaining the order, in this act included in the term the grantees, shall, by virtue of the order and of this part of this act, but subject to any restrictions and exceptions contained in the order, have power to do all or any of the following things; namely,

- (a.) To carry into effect and enforce such restrictions and regulations :
- (b.) To levy such tolls or royalties :
- (c.) To provide for depositing and propagating oysters and mussels within the limits of the fishery, and for improving and cultivating the fishery.

All such restrictions, regulations, tolls, and royalties shall be imposed on and apply to all persons equally, and shall be for the benefit of the fishery only, and the tolls and royalties shall be applied in the improvement and cultivation of the fishery.

Any person who dredges or fishes for or takes any oysters or mussels in contravention of any such restriction or regulation, or without paying any such toll or royalty, shall be liable on summary conviction to pay a penalty not exceeding twenty pounds, and to forfeit all oysters and mussels so taken, or a sum

equal to the value thereof if they have been sold, which forfeiture may be enforced in the same manner as a penalty.

The court may direct such forfeiture to be delivered or paid to the grantees to be applied by them for the improvement and cultivation of the fishery.

42. *Proof of marking of limits.*—Whenever it is necessary in any legal proceeding to prove that, in pursuance of any act of Parliament or of an order under this part of this act, the limits of any oyster and mussel fishery have been duly buoyed or otherwise marked, or notices of such limits have been duly published, posted, or distributed, or that notice of the provisions of the order or of such act relating to the oyster and mussel fishery has been duly published, a certificate purporting to be under the hand of one of the secretaries or assistant secretaries of the Board of Trade, certifying that the Board of Trade are satisfied that the said limits were so buoyed or marked, or that the said notices were duly published, posted, or distributed, shall be received as evidence that the same have been so buoyed or marked, or that the said notices have been so published, posted, or distributed.

43. *Fishery to be within county for purposes of jurisdiction.*—The portion of the sea-shore to which an order of the Board of Trade under this part of this act relates (as far as it is not by law within the body of any county) shall for all purposes of jurisdiction be deemed to be within the body of the adjoining county, or to be within the body of each of the adjoining counties, if more than one.

44. *Limitation on term of several fishery.*—The Board of Trade shall not in any case make an order conferring a right of several oyster and mussel fishery, or a right of regulating an oyster and mussel fishery, for a longer period at once than sixty years.

45. *Condition for cesser of several fishery, if no adequate benefit.*—A right of several oyster or mussel fishery conferred by an order of the Board of Trade under this part of this act, or by "The Roach River Oyster Fishery Act, 1866," and a right of regulating an oyster and mussel fishery, shall, notwithstanding anything in the order or in the said act, be determinable by a certificate of the Board of Trade (which certificate they are hereby empowered to make) certifying to the effect that the Board of Trade are not satisfied that the grantees under the



order, or the company under the said act (as the case may be), are properly cultivating the oyster or mussel ground within the limits of such fishery, or are properly carrying into effect and enforcing the restrictions and regulations, and levying the tolls or royalties; and on any such certificate being made, the right of several fishery or right of regulating the fishery (as the case may be) by such order or the said act conferred shall, by virtue of this part of this act and of the certificate, be absolutely determined, and all provisions of this part of this act or of the said act shall cease to operate in relation to such fishery as a several oyster and mussel fishery, or as a regulated fishery.

For the purposes of this provision the Board of Trade may from time to time, with respect to any such fishery, make such inquiries and examination by an inspector or otherwise, and require from the grantees or company such information, as the Board of Trade think necessary or proper, and the grantees or company shall afford all facilities for such inquiries and examination, and give such information accordingly.

46. *Consent with respect to rights of the Crown or duchies of Lancaster and Cornwall.*—Where any portion of the sea-shore proposed to be comprised in an order of the Board of Trade under this part of this act belongs to Her Majesty, her heirs or successors, in right of the Crown, but is not under the management of the Board of Trade, or forms part of the possessions of the duchy of Lancaster or of the duchy of Cornwall, the Board of Trade shall not make the order without such consent as hereinafter mentioned; namely,

In the first-mentioned case of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them:

In the secondly-mentioned case of the chancellor of the duchy of Lancaster in writing under his hand attested by the clerk of the council of the duchy:

In the thirdly-mentioned case of the Duke of Cornwall, or other the persons for the time being empowered to dispose for any purpose of lands of the duchy of Cornwall.

47. *Compensation to landowners, &c.*—Where any portion of the sea-shore comprised in an order of the Board of Trade under this part of this act does not belong to Her Majesty, her heirs or successors, in right of the Crown, or form part of the possessions

of the duchy of Lancaster or of the duchy of Cornwall, the Board of Trade shall incorporate in the order "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation (Scotland) Act, 1845," as the case requires, and shall apply the provisions thereof respectively to the purchase or taking of such portion of the sea-shore.

48. *Order of Board of Trade not to abridge right of several fishery, &c.*—No order made by the Board of Trade under this part of this act shall take away or abridge any right of several fishery, or any right on, to, or over any portion of the sea-shore, which right is enjoyed by any person under any local or special act of Parliament, or any royal charter, letters patent, prescription, or immemorial usage, without the consent of such person.

49. *Copies of orders and acts printed by Queen's printer to be kept for sale.*—The persons obtaining an order under this part of this act shall at all times keep at some convenient place, in the neighbourhood of the portion of the sea-shore to which the order relates, copies of the order with the act confirming it, and of this part of this act, printed respectively by some of Her Majesty's printers and shall sell such copies to all persons desiring to buy them at a price not exceeding sixpence for one copy of this part of this act and of the order and of the act confirming it together.

If any such person fail to comply with this provision, they shall for every such offence be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding one pound for every day during which such failure continues after the day on which the first penalty is incurred.

50. *Annual report of Board of Trade.*—There shall be annually laid before both Houses of Parliament a report of the Board of Trade respecting the applications to and proceedings of the Board of Trade under this part of this act during each year.

#### *Protection of Oyster Beds.*

51. *Property in oysters, &c., within several fishery.*—All oysters and mussels being in or on an oyster or mussel bed within the limits of a several oyster and mussel fishery granted by an order under this part of this act, and all oysters being in or on any private oyster bed which is owned by any person independently of this act, and

is sufficiently marked out or sufficiently known as such, shall be the absolute property of the grantees or of such owner, as the case may be, and in all courts of law and equity and elsewhere, and for all purposes, civil, criminal, or other, shall be deemed to be in the actual possession of the grantees and such owner respectively.

52. *Property in oysters, &c., removed from several fishery.*—All oysters and mussels removed by any person from an oyster or mussel bed within the limits of any such several fishery, and all oysters removed by any person from any such private oyster bed, and not either sold in market overt or disposed of by or under the authority of the grantees or owner (as the case may be), shall be the absolute property of the grantees and owner respectively, and in all courts of law and equity and elsewhere, and for all purposes, civil, criminal, or other, the absolute right to the possession thereof shall be deemed to be in the grantees and owners respectively.

53. *Protection of several fishery.*—It shall not be lawful for any person other than the grantees, their agents, servants, and workmen, within the limits of any such several fishery, or in any part of the space within the same described in this behalf in the order, or other than the owner of any such private oyster bed, his agents, servants, and workmen, within the limits of such bed, knowingly to do any of the following things:

To use any implement of fishing, except a line and hook or a net adapted solely for catching floating fish, and so used as not to disturb or injure in any manner any oyster or mussel bed, or oysters or mussels, or the oyster or mussel fishery:

To dredge for any ballast or other substance except under a lawful authority for improving the navigation:

To deposit any ballast, rubbish, or other substance:

To place any implement, apparatus, or thing prejudicial, or likely to be prejudicial to any oyster or mussel bed, or oysters or mussels, or to the oyster or mussel fishery, except for a lawful purpose of navigation or anchorage:

To disturb or injure in any manner, except as last aforesaid, any oyster or mussel bed, or oysters or mussels, or the oyster or mussel fishery:

And if any person does any act in contravention of this section

he shall be liable to the following penalty, namely, to a penalty not exceeding two pounds for the first offence, and not exceeding five pounds for the second offence, and not exceeding ten pounds for the third and every subsequent offence; and every such person shall also be liable to make full compensation to the grantees and owner respectively for all damage sustained by them or him by reason of his unlawful act, and in default of payment the same may be recovered from him by the grantees and owner respectively by proceedings in any court of competent jurisdiction (but not in a summary manner), whether he has been prosecuted for or convicted of an offence against this section or not.

54. *Limits of fishery to be kept marked out.*—Provided always, that nothing in the last foregoing section shall make it unlawful for any person to do any of the things therein mentioned :

(a.) In the case of a fishery granted by an order under this part of this act, if at the time of his doing the same the limits of the several fishery or of the space within the same described in that behalf in the order are not sufficiently marked out in manner prescribed by or under the order, or if notice of those limits has not been given to him in manner so prescribed :

(b.) In the case of a private oyster bed owned by any person independently of this act, if it is not sufficiently marked out and known as such.

55. *Contiguous fisheries.*—When two or more oyster or mussel beds or fisheries belonging to different proprietors are contiguous to each other, and any proceeding by indictment or otherwise is taken against any person for stealing oysters or mussels from any bed formed under an order made in pursuance of this part of this act, or for stealing oysters from any bed formed independently of this act, it shall be sufficient, in alleging and proving the property and lawful possession of the oysters or mussels stolen, and the place from which they were stolen, to allege and prove that they were the property of and in the lawful possession of one or other of such proprietors, and were stolen from one or other of such contiguous beds or fisheries.

56. *Application of act to orders, &c., under 29 & 30 Vict. c. 85.*—This part of this act shall, as to all orders made under "The Oyster and Mussel Fisheries Act, 1866," which have been or may

be confirmed in this session of Parliament, apply in the same manner as if they had been made and confirmed in pursuance of this part of this act.

All orders made under "The Oyster and Mussel Fisheries Act, 1866," before the commencement of this act, and not so confirmed, and all proceedings taken before the commencement of this act with a view to obtain any such orders, shall have effect and be proceeded with as if they had been respectively made and taken under this part of this act.

#### PART IV.

##### LEGAL PROCEEDINGS.

57. *Mode of recovering penalties.*—All penalties, offences, and proceedings under this act, or under any order in council made thereunder (except any felony, and except as otherwise provided), may be recovered, prosecuted, and taken in a summary manner, and—

In England, before any justice, and

In Scotland, before any court or judge acting under "The Summary Procedure Act, 1864," and any act amending the same, in manner directed by those acts, and

In the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark respectively, before any court, governor, deputy governor, deemster, jurat, or other magistrate, in the manner in which the like penalties, offences, and proceedings are by law recovered, prosecuted, and taken, or as near thereto as circumstances admit.

58. *Appeal.*—If any person feels aggrieved by any conviction under this act, or by any determination or adjudication of the court with respect to any compensation under this act, where the sum adjudged to be paid exceeds five pounds, or the period of imprisonment adjudged exceeds one month, he may appeal therefrom in manner following; (that is to say,)

In England, in manner directed by law, subject, in the City of London and the metropolitan police district, to the enactments in that behalf made, and subject elsewhere to the conditions and regulations following:

1. The appeal shall be made to some court of general or quarter sessions for the county or place in which the court whose decision is complained of has jurisdiction,

holden not less than fifteen days and not more than four months after the decision of the court from which the appeal is made.

2. The appellant shall within three days after the said decision give notice in writing to the other party of his intention to appeal, and the ground of such appeal :
3. Immediately after such notice the appellant shall before a justice of the peace enter into recognisances with two sufficient sureties conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court :
4. The court may adjourn the appeal, and upon the hearing thereof they may reverse, confirm, or modify the decision of the justice or justices, with or without costs to be paid by either party :

In Ireland, in manner directed by "The Petty Sessions (Ireland) Act, 1851," and any act amending the same :

In Scotland, the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark, in manner in which appeals from the like convictions and determinations and adjudications are made.

59. *Proceedings where offender belongs to a French boat.*—Where a person belonging to a French sea-fishing boat is charged with having committed outside of the exclusive fishery limits of the British Islands an offence against the fishery regulations of this act, the court shall have jurisdiction to hear and shall hear the case in the same manner as if such person were liable to a penalty under this act, subject to the following provisions :

- (1.) The statement on oath of each witness shall be put into writing, and such writing, in this act referred to as the deposition, shall (in the presence of the accused, unless he has left the port,) be read over to and signed by the witness and by the person or one of the persons who constitute the court :
- (2.) After the examination of all the witnesses has been completed, the court shall inquire whether the accused has any answer to make to the accusation, and shall warn him that what he says may be given in evidence against him.
- (3.) Any statement made by the accused shall be put into,

writing, and signed by the person or persons constituting the court, and added to the depositions :

- (4.) If the court is of opinion that the evidence is not sufficient to put the accused upon his trial, or to raise a strong or probable presumption of his guilt, the court shall order him to be discharged. If the court is of the contrary opinion, the court shall make an order directing him to be sent back to France for trial, and directing the depositions to be sent to the collector of customs of the port for transmission to the British consular officer of the port to which the accused belongs :
- (5.) All proceedings under this section shall, if possible, be completed before the expiration of three clear days after the arrival of the offender at the port in the British Islands.

60. *Jurisdiction of courts.*—For the purpose of giving jurisdiction to courts under this act the following provisions shall have effect :

- (1.) A sea-fishing boat shall be deemed to be a ship within the meaning of any act relating to offences committed on board a ship :
- (2.) The same court shall have power to exercise the jurisdiction conferred by this act with respect to an offence committed by a foreign subject as would have jurisdiction to try such offence if it had been committed by a British subject.

61. *Evidence taken in France.*—If any offender belonging to a British sea-fishing boat is taken into a French port in pursuance of the convention, the depositions, minutes, and other documents, authenticated in manner provided by article twenty-eight of the convention, shall be receivable in evidence without further proof of their authenticity, and a certificate under the seal of a French consular officer in the British Islands that such documents have been so authenticated shall be conclusive evidence of the fact.

If the depositions were taken in the presence of and so as to be understood by the accused, or if the accused had an opportunity of cross-examining the deponents, or if the minutes are minutes of a judicial proceeding at which the British consular officer of the port was present, and in which the matter in

dispute was fairly investigated, and the accused had an opportunity of making his defence, the British consular officer shall certify such fact or facts under his hand and seal, and until the contrary is proved such certificate shall be sufficient evidence of the matters therein stated, and such seal, signature, and certificate shall be deemed to be a seal, signature, and document within the meaning of sections three and five of the act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter forty two, intituled "An Act to enable Diplomatic and Consular Agents Abroad to administer Oaths and do notarial Acts."(\*)

62. *Service to be good if made personally or on board ship.*—Service of any summons or other matter in any legal proceeding under this act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any sea-fishing boat to which he may belong, with the person being or appearing to be in command or charge of such boat.

63. *Masters of boats liable to penalties imposed.*—Where any offence against the fishery regulations of this act has been committed by some person belonging to any sea-fishing boat, the master or person for the time being in charge of such boat shall in every case be liable to pay any penalty imposed or compensation awarded in respect of such offence, unless the person who actually committed such offence is proved guilty to the satisfaction of the court.

Any penalty under this act, except a penalty for the non-payment of which detention in a port is specially provided as the remedy, may be recovered in the ordinary way, or, if the court think fit so to order, by distress or poinding and sale of the sea-fishing boat to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

64. *Application of penalties.*—The court imposing any penalty or enforcing any forfeiture under this act may, if it thinks fit,

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(\*) See Pract. Stats. 1855, p. 100. Sect. 8 of this act makes the document purporting to have the seal and signature of the British ambassador or consular agent admissible without proof of the seal or signature, or official character of such person. Sect. 5 makes the offence of forging such seal or signature a felony.



direct the whole or any part thereof to be applied in or towards payment of the expenses of the proceedings; and, subject to such direction, and to any direction given under any express provision in this act, all penalties and forfeitures recovered under this act shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Commissioners of the Treasury may direct, and shall be carried to the consolidated fund.

65. *Saving of rights as herein stated*.—Nothing in this act shall prevent any person being liable under any other act or otherwise to any indictment, proceeding, punishment, or penalty other than is provided for any offence by this act, so that no person be punished twice for the same offence.

Nothing in this act, or in any order in council made thereunder, nor any proceedings under such act or order with respect to any matter, shall alter the liability of any person in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect of the same injury.

## PART V.

### MISCELLANEOUS.

66. *Confirmation of treaties for exempting from dues foreign sea-fishing boats entering British ports from stress of weather*.—Whereas by a convention concluded between the United Kingdom and France on the twenty-sixth day of January one thousand eight hundred and twenty-six it was, amongst other matters, agreed that sea-fishing boats of either country, when forced by stress of weather to seek shelter in the ports or on the coasts of the other country, should on certain conditions be exempted from all dues to which they would otherwise be liable, and doubts have arisen whether that part of the said convention has ever been confirmed by the authority of Parliament, and it is expedient to remove such doubts, and to enable Her Majesty to provide for the due execution of the said convention and of any other like convention or treaty which may be made by Her Majesty: Be it enacted, that where any such convention or treaty as mentioned in this section has been or may hereafter be concluded with any foreign country, Her Majesty may by order in council direct that every sea-fishing boat belonging to such foreign country, when forced by stress of weather to seek shelter

in any port or place in the British Islands, shall, if it does not discharge or receive on board any cargo, and complies with the other conditions, if any, specified in such order, be exempt from all dues, tolls, rates, taxes, duties, imposts, and other charges to which it would otherwise be liable in such port or place, and every such boat shall be exempt accordingly.

67. *Regulations for oyster fisheries off the Irish coast.*—The Irish Fishery Commissioners may from time to time lay before Her Majesty in Council by-laws for the purpose of restricting or regulating the dredging for oysters on any oyster beds or banks situate within the distance of twenty miles measured from a straight line drawn from the eastern point of Lambay Island to Carnsore Point on the coast of Ireland, outside of the exclusive fishery limits of the British Islands, and all such by-laws shall apply equally to all boats and persons on whom they may be binding.

It shall be lawful for Her Majesty, by Order in Council, to do all or any of the following things; namely,

- (a.) To direct that such by-laws shall be observed :
- (b.) To impose penalties not exceeding twenty pounds for the breach of such by-laws :
- (c.) To apply to the breach of such byelaws such (if any) of the enactments in force respecting the breach of the regulations respecting Irish oyster fisheries within the exclusive fishery limits of the British Islands, and with such modifications and alterations as may be found desirable :
- (d.) To revoke or alter any order so made.

Provided that the length of close time prescribed by any such order shall not be shorter than that prescribed for the time being by the Irish Fishery Commissioners in respect of beds or banks within the exclusive fishery limits of the British Islands.

Every such order shall be binding on all British sea-fishing boats, and on any other sea-fishing boats in that behalf specified in the order, and on the crews of such boats.

68. *Regulation as to seine-fishing in Cornwall.*—On the coast of Cornwall, except so much of the north coast as lies to the east of Trevoze Head, no person between the twenty-fifth of July and twenty-fifth of November in any year—

- (a.) Shall, from sunrise to sunset, within the distance of two miles from the coast, measured from low-water mark

(whether in bays or not), use a drift net or trawl net, or

- (b.) Shall, within half a mile of any sea-fishing boat stationed for seine-fishing, anchor any sea-fishing or other boat (not being a boat engaged in seine-fishing), or lay, set, or use any net, boulder, or implement of sea-fishing (except for the purpose of seine-fishing):

Any person who acts in contravention of this section shall be liable on summary conviction to a penalty not exceeding twenty pounds, which may be recovered in the same manner as a penalty for an offence against the fishery regulations of this act.

69. *As to publication and evidence of orders in council.*—With respect to any orders in council made in pursuance of this act, the following provisions shall have effect:

- (1.) They shall be published in the *London Gazette*, or otherwise published in such manner as the Board of Trade may direct for such sufficient time before they come into force as to prevent inconvenience:
- (2.) They may be proved in any legal proceeding by the production of a copy of the *Gazette* containing the said advertisement, or of a copy of the orders or regulations purporting to be printed by the printer to Her Majesty.

70. *Application of act.*—The enactments in this act which are restricted in terms to the seas outside the exclusive fishery limits of the British Islands or to any particular part of the British Islands and the seas adjoining the same shall apply only to those seas and such part, but, save as aforesaid, this act shall apply to the seas adjoining the coast of France specified in article three of the first schedule to this act outside of the exclusive fishery limits of France, and to the whole of the British Islands as defined by this act, and to the seas surrounding the same, whether within or without the exclusive fishery limits of the British Islands, and the royal courts of Guernsey and Jersey shall register this act in their respective courts.

Provided that nothing in this act relating to oyster or mussel fisheries, or to oysters or mussels, shall in any way whatever alter, interfere with, or affect the jurisdiction which the Irish Fishery Commissioners would have power to exercise over the seas surrounding Ireland and over the oyster fisheries and oyster beds in those seas if this act had not passed.

*71. Repeal of acts as in second schedule.*—The enactments described in the second schedule to this act are hereby repealed :

Provided that—

- 1st. This repeal shall not affect the validity or invalidity of anything already done or suffered, or any right or title conferred by or in pursuance of any enactment hereby repealed, or already acquired or accrued, or any remedy or proceeding in respect thereof, or any proof of any past act or thing, or any offence committed before the commencement of this act, or any penalty or proceeding in respect thereof :
- 2nd. This repeal shall not revive or restore any jurisdiction, toll, imposition, office, duty, bounty, franchise, liberty, custom, privilege, restriction, exemption, usage, or practice not now existing or in force.

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## SCHEDULES referred to in the foregoing Act.

### FIRST SCHEDULE.

Convention between Her Majesty and the Emperor of the French, relative to fisheries in the seas between Great Britain and France.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Majesty the Emperor of the French, having charged a mixed commission with preparing a revision of the convention of the 2nd of August, 1839, and of the regulation of June 23, 1843, relative to the fisheries in the seas situated between Great Britain and France; and the members of that commission having agreed upon certain arrangements which experience has shown would be useful, and which appear to them such as will advantageously modify and complete the former arrangements in the common interest of the fishermen of the two countries; their said Majesties have judged it expedient that the arrangements proposed by the said commission should be sanctioned by a new convention, and have for that purpose named as their plenipotentiaries, that is to say,

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Bickerton Pemell, Lord Lyons, a Peer of the United Kingdom, a Member of Her Britannic Majesty's most Honourable Privy Council, Knight Grand Cross of the most Honourable Order of the Bath, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary to his Majesty the Emperor of the French ;

And his Majesty the Emperor of the French, Leonel, Marquis de Moustier, Grand Cross of the Imperial Order of the Legion of Honour, &c., his Minister and Secretary of State for Foreign Affairs;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon and concluded the following articles:

**ARTICLE I.**—British fishermen shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark, along the whole extent of the coasts of the British Islands; and French fishermen shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark along the whole extent of the coast of France; the only exception to this rule being that part of the coast of France which lies between Cape Carteret and Point Meinga.

The distance of three miles fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries shall, with respect to bays, the mouths of which do not exceed ten miles in width, be measured from a straight line drawn from headland to headland.

The miles mentioned in the present convention are geographical miles, whereof sixty make a degree of latitude.

**ARTICLE II.**—It is agreed that the lines drawn between the points designated by the letters A, B, C, D, E, F, G, H, I, K, on the chart annexed to the present convention, and signed by the respective plenipotentiaries, shall be acknowledged by the high contracting parties, as defining from Point Meinga to Cape Carteret, the limits between which and the French shore the right of fishery shall be reserved exclusively to French fishermen, and these lines are as follows; that is to say,

The first line runs from the point A, three miles from low-water mark (Point Meinga bearing south) to the point B, of which the landmarks are Agon tower on with the clump of trees upon Mount Huchon, and the summit of Gros Mont in a line with the semaphore on Grand Isle.

The second line runs from the said point B towards Agon tower and the clump of trees upon Mount Huchon, in the direction north sixty-four degrees east, until, at the point C, it brings the windmill of Lingreville to bear due east.

The third line runs from point C due east towards Lingreville windmill, until the Grand Huguenant is brought to bear on the Etat rock at point D.

The fourth line runs from point D northward (keeping the Grand Huguenant in one with the Etat rock) until it intersects at E, a line whose landmarks are Agon tower on with Coutances Cathedral.

The fifth line runs eastward from point E to point F, where the steeple of Pirou is brought to bear in a line with the Sennequet lighthouse.

The sixth line runs from point F due north to point G, where

the steeple of Blainville is brought in a line with the Sennequet lighthouse.

The seventh line runs from point G in the direction of Pirou steeple to point H, where the lighthouse on Cape Carteret bears north twenty-four degrees west.

The eighth line runs from point H to point I nearly abreast of Port Bail; point I having for landmarks the fort of Port Bail in a line with the steeple of Port Bail.

And finally, the ninth line runs from point I to the Three Grunes at point K, where Cape Carteret bears east ten degrees north, in a line with Barneville steeple.

It is further agreed that all the bearings specified in the present article are to be taken according to the true meridian, and not according to the magnetic meridian.

ARTICLE III.—The arrangements of the present convention shall apply beyond the fishery limits of both countries, as defined by the preceding articles, to the seas surrounding and adjoining Great Britain and Ireland, and adjoining the coasts of France between the frontiers of Belgium and Spain. The rules respecting oyster fishery shall, however, be observed only in the seas comprised within the limits hereinafter described.

ARTICLE IV.—All British and French fishing boats shall be lettered and numbered.

In the United Kingdom there shall be a series of numbers for the fishing boats belonging to each collectorship of customs, and in France a series of numbers for the fishing boats belonging to each district of maritime registry; and to these numbers shall be prefixed a letter (or letters) to be designated by the Board of Customs in the United Kingdom, and by the Ministry of Marine in France.

ARTICLE V.—The letter (or letters) and number shall be placed on each bow of the boat, 3 or 4 inches (8 or 10 centimetres French) below the gunwale, and they shall be painted in white oil colour on a black ground.

For boats of 15 tons burthen and upwards the dimensions of the letters and numbers shall be 18 inches (45 centimetres French) in height, and  $2\frac{1}{2}$  inches (6 centimetres French) in breadth.

For boats of less than 15 tons burthen, the dimensions shall be 10 inches (25 centimetres French) in height, and  $1\frac{3}{4}$  inches (4 centimetres French) in breadth.

The same letter (or letters) and number shall also be painted on each side of the mainsail of the boat, in black oil colour on white sails, and in white oil colour on tanned or black sails. Such letter (or letters) and number on the sails shall be one-third larger in every way than those placed on the bows of the boat.

The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil colour on a black ground on the stern of the boat, in letters which shall be at

least 3 inches (8 centimetres French) in height and  $\frac{1}{2}$  inch (12 millimetres French) in breadth.

The letters, numbers, and names placed on the boats and on their sails shall not be effaced, covered, or concealed in any manner whatsoever.

ARTICLE VI.—All the buoys, barrels, and principal floats of each net, and all other implements of fishery, shall be marked with the same letter (or letters) and number as those of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of the nets or other fishing implements may further distinguish them by any private marks they judge proper.

ARTICLE VII.—The letters and numbers of British fishing boats shall, after having been entered in the registry book kept at the collectorship of customs, be inserted on the licences or other official papers of those boats.

The letters and numbers of French fishing boats shall, after having been entered in the registry book kept at the maritime registry office, be inserted on the muster rolls of those boats.

ARTICLE VIII.—The licences or other official papers of British fishing boats, and the muster rolls of French fishing boats, shall contain the description and tonnage of each boat, as well as the names of its owner and of its master.

ARTICLE IX.—The fishermen of both countries shall, whenever required, exhibit their licences or other official papers, or their muster rolls, to the commanders of the fishery cruisers, and to all other persons of either country appointed to superintend the fisheries.

ARTICLE X.—Fishing of all kinds, by whatever means and at all seasons, may be carried on in the seas lying beyond the fishery limits which have been fixed for the two countries, with the exception of that for oysters, as hereinafter expressed.

ARTICLE XI.—From the 16th of June to the 31st of August inclusive, fishing for oysters is prohibited outside the fishery limits which have been fixed for the two countries, between a line drawn from the North Foreland Light to Dunkirk, and a line drawn from the Land's End to Ushant.

During the same period and in the same part of the Channel, no boat shall have on board any oyster dredge, unless the same be tied up and sealed by the customs authorities of one of the two countries in such a manner as to prevent its being made use of.

ARTICLE XII.—No boat shall anchor between sunset and sunrise on grounds where drift-net fishing is actually going on.

This prohibition shall not apply to anchorings which may take place in consequence of accidents, or any other compulsory circumstances; but in such case the master of the boat thus obliged to anchor shall hoist, so that they shall be seen from a distance, two lights placed horizontally about 3 feet (1 metre

French) apart, and shall keep those lights up all the time the boat shall remain at anchor.

**ARTICLE XIII.**—Boats fishing with drift nets shall carry on one of their masts two lights, one over the other, 3 feet (1 metre French) apart.

These lights shall be kept up during all the time their nets shall be in the sea between sunset and sunrise.

**ARTICLE XIV.**—Subject to the exceptions or additions mentioned in the two preceding articles, the fishing boats of the two countries shall conform to the general rules respecting lights which have been adopted by the two countries.

**ARTICLE XV.**—Trawl boats shall not commence fishing at a less distance than three miles from any boat fishing with drift nets.

If trawl boats have already shot their nets, they must not come nearer to boats fishing with drift nets than the distance above mentioned.

**ARTICLE XVI.**—No boat fishing with drift nets shall shoot its nets so near to any other boat which has already shot its nets on the fishing ground as to interfere with its operations.

**ARTICLE XVII.**—No decked boat fishing with drift nets shall shoot its nets at a less distance than a quarter of a mile from any undecked boat which is already engaged in fishing.

**ARTICLE XVIII.**—If the spot where fishing is going on should be so near to the fishery limits of one of the two countries that the boats of the other country would, by observing the regulations prescribed by Articles XV., XVI., and XVII. preceding, be prevented from taking part in the fishery, such boats shall be at liberty to shoot their nets at a less distance than that so prescribed; but in such case the fishermen shall be responsible for any damage or losses which may be caused by the drifting of their boats.

**ARTICLE XIX.**—Nets shall not be set or anchored in any place where drift-net fishing is actually going on.

**ARTICLE XX.**—No one shall make fast or hold on his boat to the nets, buoys, floats, or any part of the fishing tackle belonging to another boat.

No person shall hook or lift up the nets, lines, or other fishing implements belonging to another person.

**ARTICLE XXI.**—When nets of different boats get foul of each other, the master of one boat shall not cut the nets of another boat except by mutual consent, and unless it be found impossible to clear them by other means.

**ARTICLE XXII.**—All fishing boats, all rigging gear or other appurtenances of fishing boats, all nets, buoys, floats, or other fishing implements whatsoever, found or picked up at sea, shall, as soon as possible, be delivered to the Receiver of Wreck if the article saved be taken into the United Kingdom, and to the Commissary of Marine if the article saved be taken into France.

The Receiver of Wreck or the Commissary of Marine, as the



case may be, shall restore the articles saved to the owners thereof, or to their representatives.

These functionaries shall fix the amount which the owners shall pay to the salvors.

ARTICLE XXIII.—The execution of the regulations concerning lights and signals, licences, muster rolls, and official papers, the lettering and numbering of boats and implements of fishing, is placed with respect to the fishermen of each of the two nations, under the exclusive superintendence of the cruisers and agents of their own nation.

Nevertheless, the commanders of the cruisers of one of the two nations shall acquaint the commanders of the cruisers of the other nation with any infractions of the above-mentioned regulations committed by the fishermen of such other nation which may come to their knowledge.

ARTICLE XXIV.—All infractions of the regulations concerning the placing of boats on the fishing ground, the distances to be observed between them, the prohibition of oyster fishing during a portion of the year, and concerning every other operation connected with the act of fishing, and more particularly concerning circumstances likely to cause damage, shall be taken cognisance of by the cruisers of either nation, whichever may be the nation to which the fishermen guilty of such infractions may belong.

ARTICLE XXV.—The commanders of cruisers of either country shall exercise their judgment as to the causes of any infractions brought to their knowledge, or as to damage arising from any cause whatever committed by British or French fishing boats in the seas beyond the fishery limits which have been fixed for the two countries; they may detain the offending boats and take them into the port nearest the scene of the occurrence, in order that the infraction or damage may be there duly established, as well by comparing the declarations and counter-declarations of the parties interested as by the testimony of those who were present.

ARTICLE XXVI.—When the offence shall not be such as to require exemplary punishment, but shall nevertheless have caused damage to any fisherman, the commander of the cruisers shall be at liberty, should the circumstances admit of it, to arbitrate at sea between the parties concerned. On refusal of the offenders to defer to their arbitration the said commanders shall take both them and their boats into the nearest port, to be dealt with as stated in the preceding article.

ARTICLE XXVII.—Every fishing boat which shall have been taken into a foreign port in conformity with the two preceding articles shall be sent back to her own country for trial as soon as the infraction for which she may have been detained shall have been duly established. Neither the boat nor her crew shall, however, be detained in the foreign port more than three clear days.

**ARTICLE XXVIII.**—The depositions, minutes of proceedings, and all other documents concerning the infraction, after having been authenticated by the collector of customs in the United Kingdom, or by the Commissary of Marine in France, shall be transmitted by that functionary to the consular agent of his nation residing in the port where the trial is to take place.

Such consular agent shall communicate those documents to the collector of customs, or to the Commissary of Marine, as the case may be; and if, after having conferred with that functionary, it shall be necessary for the interest of his countrymen, he shall proceed with the affair before the competent tribunal or magistrates of the country.

**ARTICLE XXIX.**—In both countries the competent court or magistrate shall be empowered to condemn to a fine of at least eight shillings (ten francs), or to imprisonment for at least two days, persons who may infringe the regulations of the convention concerning—

1. The close season for oysters, and illegal possession of dredges on board during that season.

2. The letters, numbers, and names to be placed on the boats, sails, nets, and buoys.

3. The licences or muster rolls.

4. The flags and lights to be carried by the boats.

5. The distances to be observed by the boats between each other.

6. The placing and anchoring of vessels and boats.

7. The placing and shooting of nets and the taking them up.

8. The clearing of nets.

9. The placing of buoys upon nets.

In case of repetition of the offence, the amount of fine or period of imprisonment may be doubled.

**ARTICLE XXX.**—In all cases of assault committed or of damage or loss inflicted at sea by fishermen of either country upon fishermen of the other country, the courts of the country to which the offenders belong shall condemn the latter to a fine of at least eight shillings (ten francs), or to imprisonment for at least two days. They may, moreover, condemn the offenders to pay adequate compensation for the injury.

**ARTICLE XXXI.**—Fishing boats of either of the two countries shall be admitted to sell their fish in such ports of the other country as may be designated for that purpose, on condition that they conform to the regulations mutually agreed upon. Those regulations, together with a list of the ports, are annexed to the present convention; but without prejudice to the opening by either country of any additional ports.

**ARTICLE XXXII.**—The fishing boats of the one country shall not enter within the fishery limits fixed for the other country, except under the following circumstances:

1. When driven by stress of weather or by evident damage.

2. When carried in by contrary winds, by strong tides, or by any other cause beyond the control of the master and crew.

3. When obliged by contrary winds or tide to beat up in order to reach their fishing ground; and when from the same cause of contrary wind or tide they could not, if they remained outside, be able to hold on their course to their fishing ground.

4. When, during the herring fishing season, the herring boats of the one country shall find it necessary to anchor under the shelter of the coasts of the other country, in order to await the opportunity for proceeding to their fishing ground.

5. When proceeding to any of the ports of the other country open to them for the sale of fish in accordance with the preceding article; but in such case they shall never have oyster dredges on board.

ARTICLE XXXIII.—When fishing boats, availing themselves of the privilege specified in Article XXXI., shall have oysters on board, they shall not carry any dredges or other implement for taking oysters.

ARTICLE XXXIV.—The commanders of cruisers may authorise boats belonging to their own country to cross the exclusive fishery limits of the other country, whenever the weather is so threatening as to compel them to seek shelter.

ARTICLE XXXV.—Whenever, owing to any of the exceptional circumstances specified in the three preceding articles, the fishing boats of either country shall be in the ports or within the fishery limits fixed for the other country, the masters of such boats shall immediately hoist a blue flag two feet (60 centimetres) high, and three feet (one metre French) long, and shall keep that flag flying at the masthead so long as they remain in such ports or within such limits. The flag shall be hauled down as soon as the boat is outside the said limits.

Such boats must return outside the said limits as soon as the exceptional circumstances which obliged them to enter shall have ceased.

ARTICLE XXXVI.—The commanders of the cruisers of each of the two countries, and all officers or other agents appointed to superintend fisheries, shall exercise their judgment as to infractions of the regulations with regard to the fishery limits, and when they shall be satisfied of the fact of the infraction they may detain the boats of the offenders, or cause them to be detained, and may take them, or cause them to be taken, into port, where, upon clear proof of the offence, such boats may be condemned by the competent court or magistrate to a fine not exceeding ten pounds (250 francs). In default of payment such boats may be detained for a period not exceeding three months.

In case of repetition of the offence the fine may be doubled.

ARTICLE XXXVII.—The proceedings and trial in cases of infraction of the provisions of the present convention shall take place as speedily and as summarily as the laws in force will permit.

ARTICLE XXXVIII.—The terms "British Islands" and "United Kingdom," employed in this convention, shall include

the islands of Jersey, Guernsey, Alderney, Sark, and Man, with their dependencies.

**ARTICLE XXXIX.**—Her Britannic Majesty engages to recommend to Parliament to pass an act to enable her to carry into execution such of the arrangements contained in the present convention as require legislative sanction. When such an act shall have been passed, the convention shall come into operation from and after a day to be then fixed upon by the two high contracting parties. Due notice shall be given in each country by the Government of that country of the day which may be so fixed upon.

**ARTICLE XL.**—The convention shall continue in force for ten years from the day on which it may come into operation, and if neither party shall, twelve months before the expiration of the said period of ten years, give notice of its intention to terminate its operation, the convention shall continue in force one year longer, and so on from year to year, until the expiration of one year's notice from either party for its termination.

The high contracting parties, however, reserve to themselves the power to make, by mutual consent, any modification in the convention which experience shall have shown to be desirable, provided it is not inconsistent with the principles on which it is based.

**ARTICLE XLI.**—The convention concluded between the high contracting parties on the 2nd of August, 1839, and the regulations of the 23rd of June, 1843, shall continue in force until the day when, as provided in Article XXXIX., the present convention shall come into operation, and shall then altogether cease and determine.

**ARTICLE XLII.**—The present convention shall be ratified, and the ratifications shall be exchanged as soon as possible.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 11th of November, in the year of our Lord 1867.

(L.S.)	LYONS.
(L.S.)	MOUSTIER.

#### ADDITIONAL ARTICLE.

It is agreed that Article XXXI. of the convention signed this day shall not come into operation until the two contracting parties shall have come to a further understanding on the subject. Due notice shall be given of the day that may be fixed upon for its coming into operation.

The present additional article shall have the same force and validity as if it were inserted, word for word, in the convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the convention.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 11th of November, in the year of our Lord 1867.

(L.S.) LYONS.  
(L.S.) MOUSTIER.

*Declaration annexed to the Convention of November 11, 1867.*

The fishermen of each country shall not be allowed to land or discharge their fish in the other country except at places where there is a custom house, and during office hours.

Immediately upon their arrival, and in all cases before they commence the discharge of their cargo, they shall present their muster roll, or licence, or official paper, to the proper officer of customs, and shall pass an entry at the custom house stating as nearly as possible the quantity of fish which they have on board.

If the master of a fishing boat cannot write, the officer of customs shall fill up for him the form required, and the master shall affix his mark thereto.

The custom-house officers shall have power to board and search the fishing boats of the other country in the manner directed by the customs laws.

During their stay in the ports of the other country, the fishermen of either country shall, if required to do so by the customs authorities, deposit in a warehouse or in the custom house, until their departure, all stores subject to duty, which shall not be necessary for their daily consumption. No charge shall be made for such warehousing.

The ports enumerated in the subjoined list, where there is a custom-house establishment, are those that shall be open in each country to the fishermen of the other country. In case the customs establishment at any of those ports should be abolished, notice thereof shall be given to the Government of the other country.

**List of the Ports in the United Kingdom open for the Importation of Fish by French Fishing Boats.**

*In England.*

Bristol.	Liverpool.	Ramsgate.
Cardiff.	London.	Shields.
Dover, C.	Lowestoft.	Shoreham, C.
Folkestone, C.	Middlesborough.	Southampton, C.
Falmouth, C.	Newcastle.	Sunderland.
Grimsby.	Newhaven, C.	Swansea.
Hartlepool.	Newport.	Weymouth, C.
Harwich.	Portsmouth, C.	Whitby.
Hull.	Plymouth, C.	Yarmouth.

*In Scotland.*

Aberdeen.	Greenock.	Wick.
Glasgow.	Leith.	

*In Ireland.*Belfast.  
Cork.Dublin.  
Galway.

Waterford.

*In the Channel Islands.*

Jersey, C.

Guernsey, C.

The Ports in the Channel are marked with a C.

Lists of the Ports of the French Empire open for the Importation  
of Fish by British Fishing Boats.

Directions.	—	Directions.	—
Dunkerque	Gravelines	Saint Brieuc	Lannion
Boulogne ...	Dunkerque.		Perros
	Hourdel.		Tréguier
	St. Valéry-sur-Somme		Lézardrieux
	Crotoy		Pontrieux
	Abbeville		Paimpol
	Berck (plage maritime)		Portrieux
	Etaples		Binic
	Boulogne		Le Légué
	Calais.		Dahonet
Le Havre ...	Harfleur		Erquy
	Le Havre		Le Guildo
	Fécamp		Plouer
	St. Valéry-en-Caux		Dinan
	Dieppe		Saint Suliac
	Treport		Saint Servan
	Eu.		Saint Malo
Rouen ...	Rouen	Brest ...	La Houille
	Croisset		Le Vivier.
	Duclair		Quimperlé
	Caudebec.		Douélan
Caen ...	Isigny		Pontaven
	Port-en-Bessin		Concarneau
	Courceulles		Quimper
	Caen		Pont l'Abbé;
	Ouistreham		Audierne
	Trouville		Douarnenez
	Honfleur		Morgat
	Pont-Audemer.		Camaret
Saint Lô ...	Granville		Port Launay
	Regneville		Le Faon
	Port Bail (Havre)		Landerneau
	Dielette		Brest
	Carentan		Le Conquet
	Cherbourg		Labrevrach
	Barfleur	Vannes ...	Roscoff
	Saint Vaast		Morlaix.
	Omonville.		Redon
			La Roche-Bernard
			Tréhiguier

Directions.	—	Directions.	—
<b>Vannes— suite.</b>	Billiers Pénerf Ambon Vannes Belle-Croix Sarzeau Suscinio Saint Armel Novalo Quatre-vents Ile d'Ars (Ile du Morbihan) Port Novalo Larmorbaden Locmariaquer Auray Rochdu La Trinité Carnac Porthaliguen Palais (Ile) Etel Port Louis Hennebon Lorient Kernevel Groix (Ile). Noirmoutiers St. Gilles Ile d'Yeu La Barre-de-Mont (port sur canal) Beauvoir (idem) Boin (idem) Bourgneuf Pornic Paimboeuf Saint Nazaire Nantes Chantenay La Basse-Indre Port Nichet Pouliguen Le Croisic La Turballe Le Rosais. La Tremblade Mornac L'Eguille	<b>La Rochelle —suite.</b>	Le Gua Nieulle (port sur canal) Lusac (idem) Marennes (idem) Le Chapus Le Château (Ile d'Oléron) St. Pierre (idem) St. Georges (idem) St. Denis (idem) Bronage (port sur canal) Mœze Charente Rochefort Fouran Ile d'Aix (Ile) La Rochelle Lauzières Marans La Flotte (Ile de Ré) St. Martin (idem) Loix (idem) Ars (idem) Luçon (port sur canal) L'Aiguillon Les Sables Saint Martin de Brem. La Teste Gujan Certes Le Verdon La Fosse (port sur canal) Pauillac Bordeaux Libourne Plaigne Bourg Blaye Montagne Les Meschers Royan. Saint Jean de Luz Bayonne.
<b>Nantes ...</b>		<b>Bordeaux ...</b>	
<b>La Rochelle</b>		<b>Bayonne ...</b>	

In witness whereof the respective plenipotentiaries have signed

these annexes to the convention concluded this day, and have affixed thereto the seals of their arms.

At Paris, the 11th November, 1867.

(L.S.) LYONS  
(L.S.) MOUSTIER.

### SECOND SCHEDULE.(\*)

A description of a portion of an act is inclusive of the section first or last mentioned, as forming the beginning or as forming the end of the portion comprised in the description.

Date of Act.	Title of Act.
4 Hen. 7, c. 21 ...	An Act for y <sup>e</sup> p̃servãcon of the frye of Fyshe.
7 Hen. 7, c. 9. [In Statutes of the Realm only.]	Orford.
5 Eliz. c. 5 ...	An Act touching certayne Politique Constitutions made for the Maintenance of the Navye.
13 & 14 Car. 2, c. 28	An Act for the Regulation of the Pilchard Fishing in the Counties of Devon and Cornwall.
10 & 11 Will. 3, c. 24. [10 Will. 3, c. 13. in Statutes of the Realm.]	An Act for making Billingsgate a free Market for the Sale of Fish.
9 Anne, c. 26 ... [c. 28 in Statutes of the Realm.]	An Act for the better Preservation and Improvement of the Fishery within the River of Thames, and for regulating and governing the Company of Fishermen of the said River.
1 Geo. 1, s. 2, c. 18	An Act for the better preventing fresh Fish taken by Foreigners being imported into this Kingdom; and for the Preservation of the Fry of Fish; and for the giving leave to import Lobsters and Turbots in Foreign Bottoms; and for the better Preservation of Salmon within several Rivers in that Part of this Kingdom called England.
2 Geo. 2, c. 19 (*)...	An Act for regulating, well-ordering, governing, and improving the Oyster Fishery in the River Medway and Waters thereof, under the Authority of the Mayor and Citizens of the City of Rochester in the County of Kent.

(\*) See *ante*, sect. 71.

(\*) This act was not intended to be repealed, and it has been since continued by a subsequent act. See *post*, cap. 53.



Date of Act	Title of Act
29 Geo. 2, c. 23 ... In part.	An Act for encouraging the Fisheries in that part of Great Britain called Scotland ... } In part; namely, Except sects. 1 and 17, so far as they relate to Scotland.
33 Geo. 2, c. 27 ...	An Act to repeal so much of an Act passed in the twenty-ninth Year of his present Majesty's Reign, concerning a free Market for Fish at Westminster, as requires Fishermen to enter their Fishing Vessels at the Office of the Searcher of the Customs at Gravesend; and to regulate the Sale of Fish at the First Hand in the Fish Markets of London and Westminster; and to prevent Salesmen of Fish buying Fish to sell again on their own Account; and to allow Bret and Turbot, Brill and Pearl, although under the respective Dimensions mentioned in a former Act, to be imported and sold; and to punish Persons who shall take or sell any Spawn, Brood, or Fry of Fish, unsizeable Fish, or Fish out of Season, or Smelts under the size of Five Inches, and for other Purposes.
2 Geo. 3, c. 15 ... In part.	An Act for the better supplying the Cities of London and Westminster with Fish, and to reduce the present exorbitant Price thereof, and to protect and encourage Fishermen ... } In part; namely, Except sect. 7.
11 Geo. 3, c. 31 ... In part.	An Act for the Encouragement of the White Herring Fishery ... } In part; namely, Except sects. 11 to 13.
19 Geo. 3, c. 26 ...	An Act to continue and amend an Act made in the Eleventh Year of his present Majesty's Reign, intituled "An Act for the Encouragement of the White Herring Fishery."
26 Geo. 3, c. 45 ...	An Act to continue and amend an Act made in the Twenty-fifth Year of the Reign of his present Majesty, for the Encouragement of the Pilchard Fishery, by allowing a further Bounty upon Pilchards taken, cured, and exported.
6 Geo. 3, c. 81 ... In part.	An Act for the more effectual Encouragement of the British Fisheries ... } In part; namely, Except sect. 19.
Geo. 3, c. 10 ...	An Act to extend the Provisions of an Act made in the Twenty-sixth Year of his present Majesty's Reign, intituled "An Act for the more effectual Encouragement of the British Fisheries."

Date of Act.	Title of Act.
30 Geo. 3, c. 54 ...	An Act for vesting the Estates and Property of the Trustees of Westminster Fish Market in the Marine Society for the Purposes therein mentioned, and for discontinuing the Powers of the said Trustees.
31 Geo. 3, c. 45 ...	An Act for the Encouragement of the Pilchard Fishery, by allowing a further Bounty upon Pilchards taken, cured, and exported.
35 Geo. 3, c. 54 ...	An Act for the Encouragement of the Mackerel Fishery.
35 Geo. 3, c. 56 ...	An Act to continue and amend an Act made in the 26th Year of the Reign of his present Majesty, intituled "An Act for the more effectual Encouragement of the British Fisheries."
36 Geo. 3, c. 77 ...	An Act to explain and amend an Act made in the last Session of Parliament, intituled "An Act for the Encouragement of the Mackerel Fishery."
36 Geo. 3, c. 118 ...	An Act to authorise the sale of Fish at Billingsgate by Retail.
37 Geo. 3, c. 94 ...	An Act to continue an Act made in the Thirty-first Year of the Reign of his present Majesty, intituled "An Act for the Encouragement of the Pilchard Fishery, by allowing a further Bounty upon Pilchards taken, cured, and exported."
38 Geo. 3, c. 58 ...	An Act to continue until the First Day of March, One thousand seven hundred and ninety-nine, an Act made in the Thirty-fifth Year of the Reign of his present Majesty, intituled "An Act to continue and amend an Act made in the Twenty-sixth Year of the Reign of his present Majesty, intituled 'An Act for the more effectual Encouragement of the British Fisheries.'
39 Geo. 3, c. 100 ... In part.	<div style="display: inline-block; vertical-align: top; width: 60%;">           An Act to revive and continue until the End of the next Session of Parliament an Act made in the Thirty-fifth Year of the Reign of his present Majesty, to continue and amend an Act made in the Twenty-sixth Year of the Reign of his present Majesty, intituled "An Act for the more effectual Encouragement of the British Fisheries;" and to amend an Act made in the Twenty-sixth Year of the Reign of his present Majesty, for extending the Fisheries and improving the Sea Coast of this Kingdom ... .. Sect. 1.         </div> <div style="display: inline-block; vertical-align: middle; font-size: 3em; margin: 0 10px;">}</div> <div style="display: inline-block; vertical-align: middle;">           In part; namely,         </div>

Date of Act.	Title of Act.
39 & 40 Geo. 3, c. 85	An Act to continue until the Fifth Day of April, One thousand eight hundred and one, and amend an Act of the last Session of Parliament, for continuing several Acts for the Encouragement of the British Fisheries.
39 & 40 Geo. 3, c. 107	An Act to permit until Six Weeks after the Commencement of the next Session of Parliament the Importation of Swedish Herrings into Great Britain.
41 Geo. 3, sess. 2, c. 97 ... ..	An Act the Title of which begins with the Words "An Act to continue several Laws relating to encouraging the Fisheries," and ends with the Words "as relates to ascertaining the Strength of Spirits by Clarke's Hydrometer."
41 Geo. 3, sess. 2, c. 99 ... ..	An Act for granting Bounties for taking and bringing Fish to the Cities of London and Westminster, and other Places in the United Kingdom.
42 Geo. 3, c. 3 ...	An Act to revive and continue until the Twenty-fifth Day of March, One thousand eight hundred and three so much of an Act made in the Forty-first Year of the Reign of his present Majesty as relates to permitting the Use of Salt Duty-free in preserving of Fish, and to discontinuing the Bounty payable on White Herrings exported, and to indemnify all Persons who have issued or acted under any Orders for delivering Salt Duty-free for the Purposes in the said Act mentioned.
42 Geo. 3, c. 19 ...	An Act to amend so much of an Act made in the Twenty-ninth Year of the reign of his late Majesty King George the Second, intituled "An Act for explaining, amending, and rendering more effectual an Act made in the Twenty-second Year of his present Majesty's Reign, intituled 'An Act for making a free Market for the Sale of Fish in the City of Westminster, and for preventing the forestalling and monopolising of Fish, and for allowing the Sale of Fish, under the Dimensions mentioned in a Clause contained in an Act of the First Year of his late Majesty's Reign, in case the same are taken with a Hook,' as relates to the Sale of Eels."
42 Geo. 3, c. 79 ...	An Act to revive and continue until the Fifth Day of April, One thousand eight hundred and four, and to amend several Acts passed in the Twenty-seventh, Thirty-fifth, and Thirty-ninth Years of his present

Date of Act.	Title of Act.
	Majesty's Reign, for the more effectual Encouragement of the British Fisheries; and to continue until the Fourteenth Day of June, One thousand eight hundred and three, and from thence to the end of the then next Session of Parliament, so much of an Act of the Sixth Year of the Reign of his present Majesty as relates to the prohibiting the Importation of Foreign wrought Silks and Velvets.
42 Geo. 3, c. lxxxviii.	An Act for repealing so much of an Act made in the Second Year of the Reign of his present Majesty, intituled "An Act for the better supplying the Cities of London and Westminster with Fish, and to reduce the present exorbitant Price thereof; and to protect and encourage Fishermen," as limits the Number of Fish to be sold by Wholesale within the said City of London, and for the better Regulation of the Sale of Fish by Wholesale in the Market of Billingsgate within the said City.
43 Geo. 3, c. 29 ...	An Act the Title of which begins with the Words "An Act to revive and continue," and ends with the Words "to the End of the then next Session of Parliament."
44 Geo. 3, c. 86 ...	An Act for reviving, amending, and further continuing several Laws relating to the more effectual Encouragement of the British Fisheries until the Fifth Day of April, One thousand eight hundred and six, and to the Encouragement of the Trade and Manufactures of the Isle of Man, to the improving the Revenue thereof; and the more effectual Prevention of smuggling to and from the said Island, until the Fifth Day of July, One thousand eight hundred and five.
45 Geo. 3, c. 102 ...	An Act to revive and continue an Act made in the Thirty-first Year of his present Majesty, intituled "An Act for the Encouragement of the Pilchard Fishery by allowing a further Bounty upon Pilchards taken, cured, and exported."
46 Geo. 3, c. 34 ...	An Act for further continuing until the Twenty-fifth Day of March, One thousand eight hundred and seven, an Act made in the Thirty-ninth Year of his present Majesty, for the more effectual Encouragement of the British Fisheries.
47 Geo. 3, sess. 2, c. 51	An Act to revive and continue until the Twenty-fifth Day of March, One thousand

Date of Act.	Title of Act.
	eight hundred and eight, an Act of the Thirty-ninth Year of his present Majesty, for the more effectual Encouragement of the British Fisheries.
47 Geo. 3, sess. 2, c. 67	An Act to permit, until the End of the next Session of Parliament, the Importation of Swedish Herrings into Great Britain.
48 Geo. 3, c. 86 ...	An Act to revive and continue until the Twenty-fifth Day of March, One thousand eight hundred and nine, an Act of the Thirty-ninth Year of his present Majesty, for the more effectual Encouragement of the British Fisheries.
48 Geo. 3, c. 110 ... In part.	An Act for the further Encouragement and better Regulation of the British White Herring Fishery until the First Day of June, One thousand eight hundred and thirteen, and from thence to the End of the then next Session of Parliament. <span style="float: right;">In part; namely,</span>
	Except sects. 4, 5, 7, 9, 10, 11, 12, 18, 31, 32, 34 to 45, 47 to 50, 51, 53, 54, and 56 to 60, so far as they relate to Scotland, and are not inconsistent with this Act.
50 Geo. 3, c. 54 ...	An Act to revive and continue until the Twenty-fifth Day of March, One thousand eight hundred and eleven, an Act of the Thirty-ninth Year of his present Majesty, for the more effectual Encouragement of the British Fisheries.
50 Geo. 3, c. 108 ... In part.	An Act to amend and enlarge the Powers of an Act passed in the Second Year of his present Majesty, for the Encouragement of the Fisheries of this Kingdom, and the Protection of the Persons employed therein. <span style="float: right;">In part; namely,</span>
	Sects. 1 to 4.
51 Geo. 3, c. 34 ...	An Act for continuing the Premiums allowed to Ships employed in the Southern Whale Fishery.
51 Geo. 3, c. 101 ...	An Act for amending an Act of the Forty-eighth Year of his present Majesty, for regulating the British White Herring Fishery.
52 Geo. 3, c. 42 ...	An Act for amending the Laws relating to the Allowance of the Bounties on Pilchards exported until the Twenty-fourth Day of June, One thousand eight hundred and nineteen.

Date of Act.	Title of Act.
54 Geo. 3, c. 102 ...	An Act to continue until the End of the next Session of Parliament several Acts relating to the British White Herring Fishery.
55 Geo. 3, c. 94 ... In part.	An Act to continue and amend } In part; several Acts relating to the } namely, British White Herring Fishery } Except sects. 1 to 4, 9 to 15, 17, 18, 20, 21, 23, 31 to 33, and 38 to 43, so far as they relate to Scotland, and are not inconsistent with this Act.
59 Geo. 3, c. 77 ...	An Act to continue until the Twenty-fourth Day of June, One thousand eight hundred and twenty-six, an Act for amending the Laws relating to the Allowance of the Bounties on Pilchards exported.
1 Geo. 4, c. 82 ...	An Act to amend an Act of the Fifty-ninth Year of the Reign of his late Majesty King George the Third for the Encouragement and Improvement of the Irish Fisheries.
1 Geo. 4, c. 103 ...	An Act for the further Encouragement and Improvement of the British Fisheries.
1 & 2 Geo. 4, c. 79 In part.	An Act to repeal certain Bounties } In part; granted for the Encouragement of } namely, the Deep Sea British White Her- } ring Fishery, and to make further } Regulations relating to the said } Fishery ... .. } Except sects. 9 and except sects. 3 and 5 so far as they relate to Scotland.
5 Geo. 4, c. 64 ... In part.	An Act to amend the several Acts } In part; for the Encouragement and Im- } namely, provement of the British and } Irish Fisheries ... .. } Sects. 1 to 8.
7 Geo. 4, c. 34 ...	An Act to amend an Act of the Fifth Year of his present Majesty, for amending the several Acts for the Encouragement and Improvement of the British and Irish Fisheries.
11 Geo. 4 & 1 Will. 4, c. 54. In part.	An Act to revive, continue, and } In part; amend several Acts relating to } namely, the Fisheries ... .. } So much as relates to England, and so much as is inconsistent with this Act.
4 & 5 Will. 4, c. 20	An Act to explain and amend an Act passed in the Thirty-third Year of the Reign of his late Majesty King George the Second, to regulate the Conveyance and Sale of Fish at first Hand.
6 & 7 Vict. c. 79 ...	An Act to carry into Effect a Convention between Her Majesty and the King of the French concerning the Fisheries in the Seas between the British Islands and France.

Date of Act.	Title of Act.
14 & 15 Vict. c. 26 In part.	An Act to amend the Acts relating to the British White Herring Fishery ... .. } In part; namely, Sects. 5 and 6.
18 & 19 Vict. c. 101	An Act for the more effectual Execution of the Convention between Her Majesty and the French Government concerning the Fisheries in the Seas between the British Islands and France.
23 & 24 Vict. c. 92 In part.	An Act to amend the Law relative to the Scottish Herring Fisheries } In part; namely, Sects. 7, 11 to 13, and 25.
24 & 25 Vict. c. 72 In part.	An Act to make further Provision for the Regulation of the British White Herring Fishery in Scotland ... .. } In part; namely, Sects. 2, 3, and 6, and so much of the remainder of the Act as is inconsistent with this Act.
28 & 29 Vict. c. 22 In part.	An Act to amend the Acts relating to the Scottish Herring Fisheries... .. } In part; namely, So much as is inconsistent with this Act.
29 & 30 Vict. c. 85	An Act to facilitate the Establishment, Improvement, and Maintenance of Oyster and Mussel Fisheries in Great Britain.
30 & 31 Vict. c. 18	An Act for the Preservation and further Protection of Oyster Fisheries.

## BOUNDARY ACT.

31 & 32 VICT. CAP. 46.

Sect.

### SUMMARY.

Preamble—30 & 31 Vict. c. 102.

1. Short title.
2. Act to be construed with 2 & 3 Will. 4, c. 64, and 30 & 31 Vict. c. 102.
3. Definition of certain terms.
4. Alteration of boundaries of old boroughs as specified in first schedule.
5. Boundaries of new boroughs as specified in second schedule.
6. Alterations of names of divisions of certain counties contained in 30 & 31 Vict. c. 102.
7. Explanation of the contents of the hundreds of Pirehill in Staffordshire.

8. Certain parishes to be included in the divisions of East and West Staffordshire.
  9. Alteration of divisions of counties.
  10. Alteration of places for holding courts for election of members.
  11. Boundaries of counties and boroughs on sea line.
  12. Marking boundaries of boroughs.
  13. To render valid certain precepts, notices, &c.
  14. First registration of occupiers in borough within extended boundaries.
  15. Schedule to be of the same force as the act.
- Index.  
Schedules.

## THE STATUTE.

*An Act to settle and describe the Limits of certain Boroughs and the Divisions of certain Counties in England and Wales, in so far as respects the Election of Members to serve in Parliament.*  
—[13th July, 1868.]

Whereas by "The Representation of the People Act, 1867," divers places named in the Schedule (B.) to that act annexed were constituted boroughs for the purpose of returning a member or members to serve in future Parliaments, and it was by the said act provided that until otherwise directed by Parliament the temporary contents or boundaries of such new boroughs should be the several places in that behalf mentioned in the said schedule :

And whereas the borough of the Tower Hamlets was by the said act divided into two boroughs respectively comprising the places described in Schedule (C.) to that act annexed :

And whereas by the said act the several counties named in the Schedule (D.) to that act annexed were divided into divisions for the purpose of returning members to serve in Parliament, and it was by the said act provided that until otherwise directed by Parliament each of such divisions should consist of the hundreds, lathes, wapentakes, and places in the said act specified :

And whereas by the said act the Right Honourable Lord Viscount Eversley, the Right Honourable Russell Gurney, Sir John Thomas Buller Duckworth, Baronet, Sir Francis Crossley, Baronet, and John Walter, Esquire, were appointed boundary commissioners for England and Wales, and were directed to proceed by themselves, or by assistant commissioners appointed



by them, to inquire into the temporary boundaries of every borough constituted by the said act, with power to suggest such alterations therein as they might deem expedient; and also to inquire into the boundaries of every other borough in England and Wales, except such as were wholly disfranchised by the said act, with a view to ascertain whether the boundaries should be enlarged in accordance with the directions in that behalf in the said act contained; and also to inquire into the divisions of counties as constituted by the said act, and as to the places for holding courts for the election of members for such divisions, with a view to ascertain whether, having regard to the matters in the said act in that behalf specified, any and what alterations should be made in such divisions or places; and with all practicable dispatch to report to one of Her Majesty's principal Secretaries of State upon the several matters thereby referred to them; and it was by the said act further directed that their report should be laid before Parliament:

And whereas the said commissioners have lately made their report, dated the fifth day of February one thousand eight hundred and sixty-eight, in conformity with the said act, upon the several matters thereby referred to them, and such report has been laid before Parliament:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Short title.*—This act may be cited for all purposes as "The Boundary Act, 1868."

2. *Act to be construed with 2 & 3 Will. 4, c. 64, and 30 & 31 Vict. c. 102.*—This act, so far as is consistent with the tenor thereof, shall be construed as one with the act passed in the session of the second and third years of King William the Fourth, chapter sixty-four, intituled "An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs, in England and Wales, in so far as respects the Election of Members to serve in Parliament," and hereinafter referred to as "The Boundary Act, 1832," and with "The Representation of the People Act, 1867."

3. *Definition of certain terms.*

"Borough" shall mean any borough, city, county of city,

county of a town, or place returning, or being one of a combination of places returning, a member or members to serve in Parliament, other than a county at large, or riding or division of a county at large :

“New Borough” shall in this act mean a place constituted by “The Representation of the People Act, 1867,” a borough returning a member or members to serve in Parliament :

“Old Borough” shall in this act mean any borough returning, or being one of a combination of places returning, a member or members to serve in Parliament, and not included in the definition of a new borough :

“District Borough” shall mean a combination of boroughs returning a member or members to serve in Parliament.

4. *Alteration of boundaries of old boroughs as specified in first schedule.*—The boundaries of the following boroughs, viz., Abingdon, Ashton-under-Lyne, Aylesbury, Barnstaple, Bath, Bowdley, Blackburn, Bolton-le-Moors, Bridgwater, Brighton, Cambridge, Chatham, Cheltenham, Chester, Chichester, Cirencester, Coventry, Derby, Droitwich, Dudley, Durham, Exeter, Finsbury, Gloucester, Greenwich, Guildford, Halifax, Hastings, Hertford, Huddersfield, Kidderminster, King’s Lynn, Kingston-upon-Hull, Lewes, Macclesfield, Monmouth District, Morpeth, Newport (Isle of Wight), Northampton, Oldham, Oxford, Penryn and Falmouth, Peterborough, Plymouth, Preston, Richmond, Rochdale, Salisbury, Stafford, Stamford, Stoke-upon-Trent, Stroud, Sunderland, Taunton, Wakefield, Walsall, Wilton, New Windsor, Worcester, Beaumaris District, Cardiff District, Cardigan District, Carmarthen District, Carnarvon District, Denbigh District, Flint District, Merthyr Tydvil, Pembroke District, Swansea District, shall be altered in manner specified in the first schedule to this act annexed; and such boroughs shall, for all the purposes within “The Representation of the People Act, 1867,” and the acts referred to therein, but for such purposes only, include the places and be comprised within the boundaries which in such schedule are respectively specified and described in conjunction with the names of such boroughs.

Save as aforesaid, the boundaries of all old boroughs shall remain unchanged.

5. *Boundaries of new boroughs as specified in second schedule.*—The new boroughs specified in the second schedule to this act

annexed shall, for all purposes relating to the election of a member or members to serve in Parliament, include the places and be comprised within the boundaries which in such schedule are respectively specified and described in conjunction with the names of such boroughs.

The new boroughs formed by the division of the Tower Hamlets under "The Representation of the People Act, 1867," shall respectively comprise the places described in Schedule (C.) to the said act annexed.

6. *Alterations of names of divisions of certain counties contained in 30 & 31 Vict. c. 102.*—The following alterations shall be made in the names of the divisions of Cheshire and Essex and Norfolk contained in "The Representation of the People Act, 1867;" that is to say, "North Cheshire" shall be called "East Cheshire," "South Cheshire" shall be called "West Cheshire," "North-west Essex" shall be called "West Essex," and "North-east Essex" shall be called "East Essex," and "North-east Norfolk" shall be called "North Norfolk," and "South-east Norfolk" shall be called "South Norfolk."

The contents of the northern and mid divisions of the West Riding of Yorkshire, as constituted by "The Representation of the People Act, 1867," shall, for all purposes relating to the election of members to serve in Parliament, henceforth be distributed into two other divisions, named respectively the Northern Division and the Eastern Division.

7. *Explanation of the contents of the hundreds of Pirehill in Staffordshire.*—Whereas by Schedule (D.) annexed to "The Representation of the People Act, 1867," the division of North Staffordshire includes the hundred of Pirehill North, and the division of West Staffordshire includes the hundred of Pirehill South: And whereas doubts are entertained as to the contents of the said hundreds: Be it enacted, that for the purposes of the said act the hundreds of Pirehill North and Pirehill South shall respectively be deemed to consist of the parishes and places in that behalf set forth in the fifth schedule annexed hereto.

8. *Certain parishes to be included in the divisions of East and West Staffordshire.*—Whereas by Schedule (D.) annexed to "The Representation of the People Act, 1867," the division of West Staffordshire includes the hundred of Seisdon, and the division of East Staffordshire includes the hundred of South Offlow: Be it

enacted, that, notwithstanding anything contained in that act, the parish of Rushall shall form part of and be included in the division of East Staffordshire: and the townships of Willenhall and Wednesfield, although within the hundred of South Offlow, shall form part of and be included within the division of West Staffordshire.

9. *Alteration of divisions of counties.*—The divisions of counties named in the second column of the third schedule to this act annexed shall respectively, for the purpose of the election of members to serve in Parliament, consist of the places and wapentakes mentioned in connection with such divisions in the third column of such schedule.

Save as aforesaid, the divisions of counties constituted by "The Representation of the People Act, 1867," shall comprise the parts in the said act declared to be temporarily comprised therein.

Nothing in this act contained shall affect the division of counties constituted for the purpose of returning members to serve in Parliament by any act other than "The Representation of the People Act, 1867."

10. *Alteration of places for holding courts for election of members.*—The court for the election of members to serve in Parliament for each of the divisions of counties specified in the second column of the fourth schedule hereto shall be holden at the place named for that purpose in connection with such division in the third column of the said schedule.

Save as aforesaid, the places named in the fourth column of Schedule (D.) to "The Representation of the People Act, 1867," as temporarily appointed for holding courts for election of members for each of the divisions of counties mentioned in the said schedule in connection with such places, shall be permanently appointed for that purpose.

11. *Boundaries of counties and boroughs on sea line.*—Where any county, division of a county, or borough abuts on the sea coast or on any tidal river, the boundaries of such county, division of a county, or borough shall, for all purposes relating to the election of a member or members to serve in Parliament, be deemed to extend to the low-water mark.

12. *Marking boundaries of boroughs.*—Where the boundary of a borough does not follow the boundary of a parish or township

or other well-defined line of demarcation, the returning officer shall as soon as may be after the passing of this act cause the several points of deviation of the boundary to be marked by means of boundary stones, posts, or other marks, and such boundary marks shall from time to time be maintained and renewed by the returning officer of such borough.

For the purposes of this section a returning officer may by himself or his workmen enter upon any lands, doing as little damage as possible, and making compensation for such damage, the amount of such damage to be determined, in case of dispute, in manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to disputed compensation for land.

All expenses properly incurred by a returning officer in pursuance of this section shall be deemed to be expenses incurred by him in respect of registration, and shall be defrayed accordingly.

13. *To render valid certain precepts, notices, &c.*—All precepts, notices, forms, claims, and other documents issued or used before the passing of this act under or by virtue of the statute of the sixth Victoria, chapter eighteen, in relation to the registration of voters in and for the several divisions of the counties of Cheshire, Essex, and Norfolk, shall be as valid and effectual as if the names of the said divisions were not altered or affected in or by this act.

14. *First registration of occupiers in borough within extended boundaries.*—Where by reason of an alteration of the boundary of any borough by this act the occupier of a dwelling-house or other tenement (for which the owner at the time of the passing of this act is liable to be rated instead of the occupier) would be entitled to be registered as an occupier at the next registration of parliamentary voters if he had been rated to the poor-rate for the whole of the required period, such occupier shall, notwithstanding he has not been so rated, be entitled to be registered, subject to the following condition,—

That he has been duly rated as an ordinary occupier to all poor-rates in respect of the premises made after the passing of this act.

15. *Schedule to be of the same force as the act.*—The schedule hereto, with the notes thereto annexed, shall be of the same force as if they were enacted in the body of this act.

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## FIRST SCHEDULE.

*Note.*—The expressions hereinafter mentioned have in the schedules the following meanings; that is to say,

“Present borough” means the area comprised within the limits of an old borough prior to the alterations made therein by this act.

“Present boundary” means the boundary of an old borough as existing prior to the alterations made therein by this act.

“Municipal borough” means the area at the time of the passing of this act comprised within the limits of a place as constituted a municipal borough for the purposes of the act passed in the session holden in the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled “An Act to provide for the Regulation of Municipal Corporations in England and Wales.”

“Local government district” means the area at the time of the passing of this act comprised within the limits of any town or place subject to the “Local Government Act, 1858.”

“Not altered,” as applied to any place, means that the description of such place is the same as that contained in Schedule (O.) of “The Boundary Act, 1882.”

## OLD BOROUGHES (ENGLAND).

**ABINGDON.**—*Description.*—The present borough of Abingdon, and those parts of the parishes of Sutton Courtney and St. Helen which are included between the present boundary of the borough and the following boundaries respectively; that is to say,

**Sutton Courtney and St. Helen.**—From the southernmost point of the present boundary at the river Isis, westward, along the Berks and Wilts Canal to the point at which it is crossed by the bridge on the Steventon-road; thence northward to a point eighty yards distant from the bridge measured along the said road; thence in a straight line to the junction of the river Ock with the Larkhill stream; thence along the said stream to the point at which it meets the Faringdon-road; thence in a straight line to the north-west angle of the present boundary on the Wootton-road:

**St. Helen.**—From the northernmost angle of the present boundary in a straight line to the point at which the Boxhill footway meets the Oxford-road; thence by Sir George Bowyer's private road to the Radley-road; thence westward along the Radley-road till it meets the present boundary.

**ASHTON-UNDER-LYNE.**—*Description.*—The present borough of Ashton-under-Lyne: the local government district of Hurst in the parish of Ashton-under-Lyne: so much of the township of Dukinfield as adjoins the present borough, and lies at the north of the river Tame: and that detached part of the Audenshaw division of the township of Ashton-under-Lyne which is within the municipal borough of Ashton-under-Lyne.

**AYLESBURY.**—*Description.*—The three hundreds of Aylesbury, and all such parts of the parish of Dinton as are not within the said three hundreds.

**BARNSTAPLE.**—*Description.*—The present borough of Barnstaple, and that part of the parish of Pilton which lies between the present boundary of the borough and Braddiford Water and the river Taw.

**BATH.**—*Description.*—The present borough of Bath, and so much of the parish of Twerton as is included between the present boundary of the borough and the following boundary: that is to say, from the point in the present boundary at which the Great Western Railway crosses it on the western side, along the northern fence of the said railway to the point at which it crosses Brook-lane; thence along Brook-lane to the point at which it meets the Lower Bristol-road; thence, westward, along the Lower Bristol-road to the point at which it meets the road from Motley Bridge; thence along the last-mentioned road to the river Avon; thence, eastward, along the river Avon to the point at which it meets the present boundary.

**BEWDLEY.**—*Description.*—The present borough of Bewdley and the Hamlet of Upper Mitton.

**BLACKBURN.**—*Description.*—The present borough of Blackburn: The part of the township of Little Harwood at Carr Houses contained between the boundary of the township of Blackburn and the Harwood Brook: and the several parts of the township of Witton and of the township of Livesey contained between the present boundary of the borough and the following boundary; that is to say, from the point at which the river Blackwater meets the boundary of the township of Blackburn on the western side of the same, westward, along the river Blackwater to the point at which the same meets the river Darwen; thence, eastward, in a straight line through Feniscliffe Bridge to the point at which the same meets the northern boundary of the township of Livesey; thence, eastward, along the boundary of the township of Livesey to the point at which the same meets Bower House-lane; thence, southward, along Bower House-lane to the point at which the same meets the Livesey Branch-road near the Waterloo Tavern; thence, eastward, in a straight line to the northernmost point of the boundary of the township of Lower Darwen, west of Hey Gate; thence, eastward, along the boundary of the township of Lower Darwen to the point at which the same meets the present boundary of the borough.

**BOLTON-LE-MOORS.**—*Description.*—The present borough of Bolton-le-Moors (including that part of the township of Little Bolton lying to the north of Astley Brook, and called Little Bolton Higher End), and so much of the townships of Sharples and Halliwell as lies between the present boundary of the



borough and the following boundary; that is to say, from the northernmost point of the present boundary at Little Bolton Higher End, northward, in a straight line to the point in the Blackburn road at which it is met by Broad-o'-th'-lane; thence, westward and southward, along Broad-o'-th'-lane to the point at which the same meets the boundary of the southernmost of the three detached parts of the township of Little Bolton; thence, southward, along the boundary of the said detached part of the township of Little Bolton (excluding it) to the point at which the same meets the boundary of the township of Halliwell; thence, westward, along the boundary of the township of Halliwell to the point at which the same meets Dean Brook; thence, westward, up Dean Brook to Smithills Mill Bridge; thence, eastward, along Pilkington-street to Top-o'-th'-lane; thence, southward, along Cooper's-lane for about one hundred and thirty yards to the point at which it is left by the lane which leads southwards past Bennet's and Vallet's to the Horwich-road; thence, along the last-mentioned lane, to the point at which it meets the Horwich-road; thence, in a straight line, to the point at which the boundary between the townships of Halliwell and Heaton meets the boundary of the township of Little Bolton in the Chorley New-road.

**BRIDGEWATER.**—*Description.*—The present borough of Bridgewater, and such parts of the parishes of Wembdon and Bridgewater as are included between the present boundary of the borough and the following boundaries respectively; that is to say,

Wembdon.—From the present boundary of the borough at its westernmost point on the Wembdon-road along that road, westward, to the eastern wall of the cemetery; thence along that wall to its northern extremity; thence in prolongation of the same wall to a point at which that line would be intersected by the prolongation, westward, of a line in production of the wall that forms the northern boundary of Providence-place; thence, along the said line and wall, to the point at which, if produced eastward, it would intersect Malt Shovel-lane; thence, southward, along Malt Shovel-lane to the bridge over the canal; thence, northward, along the canal to the point at which it meets the present boundary:

Bridgewater.—From the present boundary of the borough at the point at which it meets the Bath-road, southward, in a straight line to the point at which the south-eastern boundary of the field called Ten Acre Pasture, and numbered 565 in the tithe map of the parish of Bridgewater, meets the road from the railway station to the Weston Zoyland-road; thence in a straight line to the point at which the Weston Zoyland-road meets the present boundary.

**BRIGHTON.**—*Description.*—The present borough of Brighton and the parish of Preston.

**CAMBRIDGE.**—*Description.*—The present borough of Cambridge, and also so much of the parish of Chesterton as lies between the present boundary of the borough and the following boundary; that is to say, from the point in the borough boundary at which the Huntingdon-road leaves the boundary of the parish of Chesterton, eastward, in a straight line to the point in the Histon-road at which the said road is met by an occupation road leading from French's Mill; thence along such occupation road to the said mill; thence in a straight line to the first milestone from Cambridge on the Ely-road; thence, north-eastward, along the said road to the point at which it is joined by the Green End-road; thence, south-eastward, in a straight line to the point at which the northern fence of the Chesterton Railway station meets the railway from Leicester to London; thence along the said fence to its eastern extremity; thence in a straight line to the nearest point of the present boundary in the river Cam.

**CHATHAM.**—*Description.*—The present borough of Chatham, and so much of the parishes of Chatham and Gillingham as lies between the present boundary of the borough and the following boundary; that is to say, from the point in the boundary of the present borough between the boundary stone of the city of Rochester marked 5 and the windmill on the top of Chatham-hill, at which that boundary is crossed by the road leading south from the Medway union workhouse, south-eastward, in a straight line to the boundary stone on the roadside at Hale, near "The Waggon" public-house, between the parishes of Chatham and Gillingham; thence, northward, along the boundary between the said parishes to the point at which it meets the Sittingbourne-road; thence, north-eastward, in a straight line to the angle of the boundary of the township of Grange near the south side of the London, Chatham, and Dover Railway, and adjoining the footpath to Woodland; thence along the western boundary of the said township of Grange to the sea shore, and westward along the sea shore until it meets the present boundary of the borough.

**CHELTENHAM.**—*Description.*—The present borough of Cheltenham, together with so much of the parish of Leckhampton as lies between the present boundary of the borough and the following boundary; that is to say,

Leckhampton.—From the point at which the present boundary crosses a road leading from the old Bath-road to Leckhampton Church, southward, along the said road to the point nearly opposite Collum End Farm, at which it crosses a stream or ditch which falls into Hatherley Brook; thence, northward, down the said stream or ditch to the point at which it crosses the present boundary.

**CHESTER.**—*Description.*—The present borough of Chester, together with so much of the townships of Saltney in the county of Flint, Great Boughton, Hoole, and Newton respectively, as is

included between the present boundary of the borough and the following boundaries respectively; that is to say,

**Saltney.**—From the point in the river Dee at Saltney Stage at which St. Mary's Ward joins Trinity Ward, westward, along the river Dee to the point at which the same is joined by Balderton Brook near Stoop Bridge Stage; thence up the said brook to the bridge in Green-lane; thence, eastward, along Green-lane until it meets the nearest boundary stone in the present boundary.

**Great Boughton.**—From the point at which the river Dee is joined by Huntingdon Brook, up that brook to the centre of the bridge on the Sainton and Aliford road, commonly called Sandy-lane; thence, northward, in a straight lane to the point at which Batchelor's-lane is joined by Style-lane near Vaughan's house; thence along Stile-lane to the point at which the same meets Poorhouse-lane; thence in a straight line to a point in Beckcotes-lane one hundred yards from its junction with the southern extremity of Heath-lane; thence, westward, along Beckcotes-lane to the said extremity, and, northward, along Heath-lane to the point at which it meets the present boundary.

**Hoole and Newton.**—From the south-eastern angle of the boundary of the township of Hoole at which it joins the present boundary and the old city boundary, northward, along the boundary of the said township as far as it is also the boundary of the parish of St. John the Baptist; thence, westward, along the boundary of the said parish to the boundary stone in it situated behind Mr. Moule's house, near the district church of Hoole; thence in a straight line for ninety yards to the south-eastern extremity of the lane leading to the Chester and Frodsham turnpike road; thence along the said lane to the point at which it joins the said turnpike road; thence, south-westward along the said turnpike road to the point at which it is joined by the Newton and Upton road; thence, northward, along the Newton and Upton road to the point at which the same is joined by Brook-lane; thence, southward, along Brook-lane to the point at which the same meets the present boundary.

**CHICHESTER.**—*Description.*—The present borough of Chichester. and so much of the parishes of Oving and Rumboldswyke as is contained between the present boundary of the borough and the following boundary; that is to say, from the eastern extremity of the present boundary of the borough at St. James's post along the Arundel-road to the point at which it meets the Cemetery-lane; thence along the said lane to the point at which it meets the Oving-road; thence along the lane which runs nearly due south to the point at which the said lane cuts the London, Brighton, and South Coast Railway; thence, westward, along the northern fence of the said railway to the point at which it meets the present boundary.

**CIRENCESTER.**—*Description.*—The present borough of Cirencester and the parish of Stratton.

**COVENTRY.**—*Description.*—The present borough of Coventry and the parish of Stoke.

**DERBY.**—*Description.*—The present borough of Derby and the townships of Litchurch and Little Chester.

**DROITWICH.**—*Description.*—The present borough of Droitwich; the portion of the parish of Stoke Prior which lies to the south of the road from Hynet's Farm to Webb's Farm; and the two portions of the parish of Hanbury which are not within the present borough, and lie to the south and south-west of the road from Hanbury to Feckenham.

**DUDLEY.**—*Description.*—The present borough of Dudley; the extra-parochial grounds of Dudley Castle Hill; the ecclesiastical districts of Pensnett, Brockmoor, Quarry Bank, and Brierley Hill, in the parish of Kingswinford, and of Reddall Hill in the parish of Rowley Regis.

**DURHAM.**—*Description.*—The present borough of Durham, and that portion of the township of Framwellgate which lies between the present boundary of the borough and the following boundary; that is to say, from the north-west corner of the present boundary of the borough, near the junction of the Lanchester and Newcastle high roads, westward, along the Lanchester high road to the point at Western Lodge and White Smocks Turnpike, at which it is met by a road coming in from the south; thence along this latter road in a southerly direction to the point at which it crosses the boundary between the townships of Framwellgate and Crossgate; thence in a south-westerly direction along the said boundary to the point at which it reaches the present boundary of the borough.

**EXETER.**—*Description.*—From the turnpike gate on the Morton-road, southward, along Cowick-lane to the point at which the same meets Stone-lane; thence along Stone-lane to the point at which the same meets the road from Exeter to Alphington; thence, southward, along the road from Exeter to Alphington to the point at which the same is joined by Marsh Barton-lane; thence along the northern hedge of Marsh Barton-lane to the point at which the same meets the fence of the South Devon Railway; thence along such fence, southward, to the railway arch; thence through the said arch and along Marsh Barton-lane to the point at which the same reaches the canal; thence in a straight line to a boundary stone on the left bank of the river Exe above the old abbey; thence, southward, along the Leat to the point at which the same is joined by the brook which runs down through East Wonford; thence along the said brook to the point at which the same crosses the Old Stoke and Tiverton road near the road to Mincing Lake Farm; thence along the Old Stoke and Tiverton road to the point at which the same meets the boundary of the county of the city; thence, northward, along the boundary of the county of the city to the point

near Exwick at which the river Exe is crossed by a road leading to the railway station; thence, westward, along that road to the point at which the same meets the road from Exwick to the turnpike gate on the Morton-road; thence along the said road to the point at which the same reaches such turnpike gate.

**FINSBURY.**—*Description.*—The present borough of Finsbury: the detached parts of the parish of Hornsey in Stoke Newington; and that part of the parish of Hornsey which intervenes between the parishes of Islington and Stoke Newington, and lies to the south of the new Tottenham and Hampstead Railway, from Stroud Green to the bridge where it is crossed by the Great Northern Railway, and of a straight line between the centre of the said bridge and the north-western angle of the boundary of the parish of Stoke Newington.

**GLOUCESTER.**—*Description.*—The present borough of Gloucester, and the space included between the present boundary of the borough and the following boundary; that is to say, from the point at which Dockham Ditch is crossed by the present boundary, northward, along Dockham Ditch to the point at which it meets a road leading from the meadows to Sandhurst-lane; thence along the said road to its junction with Sandhurst-lane; thence across Sandhurst-lane to and along a public highway leading therefrom to the Tewkesbury-road, thence in a straight line south-eastward to the point at which the turnpike road from Gloucester to Cheltenham crosses the Barnwood Brook; thence up the Barnwood Brook to the point at which it is crossed by the Great Western Railway; thence, southward, along the western fence of the Great Western Railway to the point at which it meets the footpath leading from Gloucester to Robin's Wood Hill; thence, westward, in a straight line to a point in the Stroud-road at which it is met by a ditch or watercourse leading down to the Bristol-road; thence, westward, along the said ditch or watercourse to the point at which it joins Still Ditch; thence along Still Ditch to the point at which it enters the river Severn; thence in a straight line to the southernmost point of the present boundary in Castle Mead.

**GREENWICH.**—*Description.*—The present borough of Greenwich, and that part of the parish of Plumstead which is not within the borough.

**GUILDFORD.**—*Description.*—The present borough of Guildford, and the lands contained between the present boundary of the borough and the two following boundaries respectively; that is to say, from the point at which the present boundary meets the river Wey, southward, along the said river to a point in it due east of St. Catherine's Chapel; thence, westward, in a straight line to St. Catherine's Chapel; thence, northward, in a straight line to the junction of the Portsmouth-road and the Sandy-lane

leading to Compton; thence, westward, along the said lane to Piccard's Farm; thence, northward, along the road leading through the said farm to its northern extremity; thence, northward, in a straight line to the present boundary of the borough at Booker's Tower: and from the angle of the present boundary in the Merrow-road, south-eastward, along the cross road from the Merrow-road to the point at which the said cross road joins the road leading past the union workhouse to Merrow Downs; thence, south-westward, in a straight line to the south-eastern angle of the present borough.

**HALIFAX.**—*Description.*—The municipal borough of Halifax, as constituted by "The Halifax Extension and Improvement Act, 1865" (28 & 29 Vict. c. 140).

**HASTINGS.**—*Description.*—The present borough of Hastings; so much of the parish of St Leonard as is not already within the borough; and so much of the parishes of St. Mary-in-the-Castle and Ore as lies between the present boundary of the borough and the following boundary; that is to say, from the easternmost point at which the boundary of the parish of Ore meets the boundary of the parish of All Saints, northward, along the boundary of the parish of Ore to the easternmost point of that boundary; thence, westward, in a straight line to the point opposite to the Borough Cemetery at which the road known as Ore-lane meets the old road from Hastings to London; thence, westward, in a straight line to the northernmost point at which the boundary of the parish of St. Leonard's leaves the St. Leonard's and Sedlescombe turnpike road; thence, southward, along the boundary of the parish of St. Leonard to the point at which it meets the present boundary of the borough.

**HERTFORD.**—*Description.*—The present borough of Hertford; and so much of the parish of Bengoe as is contained within the following boundary; that is to say, from the point to the westward of the town at which the river Beane leaves the borough boundary, northward, along the said river to the point at which it joins the backwater from the Mole Wood Mill stream to the same river; thence along the said backwater to the sluice gate at which the said mill stream falls into the same backwater; thence, in a south-easterly direction, along the said mill stream to the bridge over the same, near to the Mole Wood Mill, where the same stream is crossed by the public footway, known as the Church-path; thence, eastward, along the Church-path to the single tree growing therein, at sixteen chains distance (as measured along the same path) from the point at which the same joins the Hertford and Sacombe road; thence in a straight line to the tree growing in the west fence of the said Hertford and Sacombe road at ten chains distance (as measured along the same) from the point at which the same joins the public footway from Bengoe to Goldings; thence, eastward, in a straight line to the point at which the river Rib meets the road from Bengoe to

Ware; thence along the said river Rib to the point at which the same joins the present boundary of the borough in the river Lea.

**HUDDESFIELD.**—*Description.*—The present borough of Huddersfield; the township of Lindley-cum-Quarmby; the hamlet of Lower Linthwaite; the township of Lockwood (including the two detached portions of the township of South Crossland which are surrounded by it); the township of Almondbury; the township of Dalton; and so much of the township of Longwood as is included within the following boundary; that is to say, from the point at which the boundaries of the townships of Lindley-cum-Quarmby and Longwood meet the present boundary of the borough, north-westward, along the boundary of the said townships to the point called Raw Nook; thence, south-eastward, along the road which leads from Raw Nook to Dodlee to the point at which the said road meets the road leading from Dodlee to Clough Bottom; thence, south-westward, along the last-mentioned road to the point at which it meets the boundary of the townships of Longwood and Golcar; thence along the boundary of the townships of Longwood and Golcar, south-eastward, to the point in the river Colne at Miln's Bridge, at which the townships of Longwood, Golcar, and Linthwaite meet; thence along the said river to the point at which it meets the present boundary of the borough.

**KIDDERMINSTER.**—*Description.*—The present borough of Kidderminster, and such parts of the parishes of Kidderminster and Wolverley as lie between the present boundary of the borough and the following boundaries respectively; that is to say,

Kidderminster, 1.—From the point at which the present boundary meets the Sutton Common-road, southward, along that road to the point at which it meets the Stourport-road; thence, eastward, along the Stourport-road to the point at which it meets the present boundary:

Kidderminster, 2.—From the south-eastern angle of the present boundary in Chester-lane, southward, along that lane to the point at which it meets the lane leading by Gorset Hall to Comberton Farm; thence along the last-mentioned lane to the point at which it meets the Bromsgrove-road; thence along the Bromsgrove-road to the occupation road by Comberton Farm; thence along such occupation road to its termination; thence, northward, along the hedge proceeding from this point to the borough boundary on the road to Offmore Farm:

Kidderminster, 3.—From the point at which the present boundary meets the boundary of the parish of Wolverley, northward and westward, along the last-named boundary to the point at which it meets the road to Bridgnorth; thence, southward, along the Bridgnorth-road to the point at which it is met by the road from Franch to High Habberley; thence, south-westward, along the last-mentioned road to the entrance gate to High

Habberley House; thence in a straight line to the south-western angle of the borough in the Bewdley-road:

Wolverley.—From the point in the present boundary of the borough at its junction with the Cookley and Wolverhampton road, northward, along that road to the point at which it is met by the road leading to Wolverley by Sion-hill; thence along such road to the Lea Castle Gate; thence, southward, along a lane to the east of Sion House to the occupation road leading to Sion-hill Farm; thence, westward, along such occupation road, through the farmyard, and along the occupation road from such farmyard, westward, to the swing bridge on the Staffordshire and Worcestershire Canal; thence, southward, along the canal to the point at which it meets the present boundary of the borough.

KING'S LYNN.—*Description*.—The present borough of King's Lynn, and the space included between the present boundary of the borough and the following boundary; that is to say, from the present boundary on the north-east at the new bridge near Walker's house, northward, along Alma-lane, crossing the railway, to the point at which that lane joins the Gaywood-road; thence, westward, along the Gaywood-road to the point at which it is met by Salter's-road; thence, northward, along Salter's-road to the point at which the said road joins the old east sea bank; thence, northward, along the old east sea bank to the new sea bank; thence, westward, along the new sea bank to the point at which it joins the old west sea bank; thence, south-westward, along the old west sea bank (which forms the eastern boundary of the parish of North Lynn) to the estuary cut; thence, southward, along the east side of the estuary cut to the point at which it meets the present boundary of the borough.

KINGSTON-UPON-HULL.—*Description*.—The present borough of Kingston-upon-Hull, together with such parts of the parishes of Hessle, North Ferriby, and Kirk Ella as are included between the present boundary of the borough and the following boundary; that is to say, from the south-western angle of the present boundary at the river Humber, along that river, westward, as far as the new drain of the Hessle and Anlaby drainage; thence up the said drain to the point at which it is crossed by the Hull and Selby Railway; thence curving along the south side of the said railway in a north-easterly direction past Hessle Junction, and along the south side of the northern branch of the said railway, to the point at which it crosses the eastern boundary of the parish of Hessle; thence, northward, along the said parish boundary, and along the boundary between the parishes of North Ferriby and Kirk Ella to the point at which it meets the boundary of the parish of Cottingham at Spring Bank; thence, eastward, along the boundary of the parish of Cottingham on the south side of Spring Bank to the north-western angle of the present boundary of the borough.



**LEWES.**—*Description.*—The present borough of Lewes, and the space contained between the present boundary of the borough and the following boundary; that is to say, from the point of the present boundary called “Malling Mill” in a straight line to the centre of the road immediately on the north of the said mill, such straight line being in production of the present boundary from the point of it known as the “site of an old windmill” to “Malling Mill”; thence, westward, in a straight line to the north-western corner of the wall of the garden of “Malling House;” thence in a straight line to the point at which the old turnpike road from the Spital Burn to Offham crosses the road leading from the inn called the “Elephant and Castle” in the town of Lewes to the windmill near the race stand known as “Steeres Mill” or the “Offham Mill;” thence, southward, in a straight line to the windmill known as the Spital Mill; thence in a straight line to the point of the present boundary called the Smock Windmill.

**MACCLESFIELD.**—*Description.*—The present borough of Macclesfield, and the space included between the present boundary of the borough and the following boundary; that is to say, from the point at which the Shore’s Clough Brook leaves the boundary of the township of Hurdsfield along the Shore’s Clough Brook to the point at which the same joins the river Bollen; thence along the river Bollen to the point at which the same is joined by West Brook; thence along West Brook to the point at which the same joins the present boundary.

**MONMOUTH DISTRICT BOROUGH.**—*Description.*—Monmouth, not altered.

**Newport.**—The present borough of Newport; so much of the parish of Christchurch as is comprised within the local government district of Christchurch; so much of the parish of St. Woollos as lies between the present boundary of the borough and the following boundary; that is to say, from the northernmost point of the present boundary in the river Usk near the mouth of Crindau Pill, westward, along the boundary of the parish of St. Woollos to the point at which the said boundary is cut by the Eastern Valleys Railway; thence, south-westward, along the south side of the said railway to the point at which the said railway cuts the present boundary near the Marshes Gate toll-bar; thence in a straight line to the westernmost entrance of the tunnel of the Crumlin Canal at the Barrack-road; thence along the said canal to the western fence of two fields numbered respectively 77a and 79 on the tithe map of the parish of St. Woollos; thence along such fence to the point at which the same is met by the Barrack-road; thence, eastward, along the said Barrack-road to the western fence of a field numbered 106 in the tithe map of the parish of St. Woollos; thence along such fence to a stream running through the field numbered 115 in the aforesaid tithe map; thence along such stream to the

western fence of a field numbered 124 in the aforesaid tithe map; thence along such fence to the point at which it meets the parish road leading from Pentonville to Ty Llwyd; thence, westward, along the southern boundary of the property of William Evans, Esquire, to the point at which it reaches the footpath leading to the Risca-road; thence along the said footpath and in a straight line across the said road to the nearest point of the wall of the cemetery; thence along the said wall to the turnpike road leading from Newport to Bassalleg; thence, eastward, along the said road to the point at which the same meets the boundary fence dividing the property of Lord Tredegar from that of Lady Power; thence, southward, along such boundary fence to the occupation bridge over the South Wales Railway near the southern end of the tunnel; thence along the eastern side of the said railway to the Cardiff-road; thence, eastward, along the said road to the point at which it meets the present boundary of the borough.

Usk.—Not altered.

**MORPETH.**—*Description.*—The present borough of Morpeth, and the townships of Cowpen and Newsham.

**NEWPORT, ISLE OF WIGHT.**—*Description.*—The present borough of Newport, and so much of the parishes of Whippingham and Carisbrook respectively as lies between the present boundary of the borough and the following boundaries; that is to say,

Whippingham.—From the point at which the Fairy (or Fairlee) Hole stream joins the present boundary at the river Medina, eastward, along the said stream for one hundred yards beyond the point at which it meets Cross-lane; thence, southward, in a straight line to the point at which the occupation road leading past the eastern end of a field called Long Mead meets the Old Ryde (or Staplers) road at Polars; thence in a straight line to the point at which the occupation road leading to Hedera House (Mr. Dash's) meets the Barton Village-road; thence along the said road to the point at which it meets the footpath leading from Barton Village to Staplers; thence, westward, along the said path and in production of the direction thereof in a straight line to the southern end of Elm-road; thence in a straight line to the Pan turnpike; thence, westward, in a straight line to the nearest point in the river Medina (excluding the mill); thence, northward, down the said river to the point at which it meets the present boundary:

Carisbrook, No. 1.—From the present boundary at the point at which the footpath to Shide meets Church Litton-lane, southward, in a straight line to Shide Cross; thence, westward, along White Pit-lane to the point at which the Castle and Gatcombe roads diverge; thence, north-westward, along the cross road leading to the Carisbrook-road to the point at which it meets the Carisbrook-road; thence down the stream from the mill to

the point at which it meets the Lukely Brook ; thence, northward, along the said brook to the point at which it meets the present boundary :

Carisbrook, No. 2.—From the point at which the present boundary crosses Petticoat-lane, northward, in a straight line to the point at which Tin Pit-lane meets Exbury-road ; thence in a straight line to the angle of the road immediately to the north of Mr. Walter Brown's farm (Providence Cottage) ; thence in a straight line to the Hunny Hill-road ; thence in a straight line to the point at which the Fairlee Hole stream joins the river Medina.

The boundary of the borough in the river Medina is to be closed by a straight line to be drawn across the river according with the boundary last described.

NORTHAMPTON.—*Description*.—The present borough of Northampton, and the space included between the present boundary of the borough and the following boundary ; that is to say, from the point on the north of Northampton at which Gipseys-lane (leading from Kingsthorpe to the toll-bar on the Kettering-road) leaves the present boundary at the north-east corner of the race-course, along the said lane towards Kingsthorpe to the point at which it crosses the brook from Kingsthorpe Lodge ; thence along the said brook to the point at which it joins the north branch of the river Nen ; thence along the said branch of the said river to the point south of St. Andrew's Mill, at which the same is rejoined by the mill stream ; thence in a straight line to the point at which Dallington Mill-lane meets the Dunchurch-road at Dallington side-bar ; thence in a straight line to the point at which the Daventry-road crosses the small brook immediately to the west of the Red House Inn ; thence in a straight line to the point at which the Rothersthorpe and Banbury-lane is met by a public footway from Cotton End ; thence, eastward, along the same lane to the point at which it meets the Towcester-road ; thence along the Towcester-road towards Northampton to the point at which it meets the London-road ; thence in a straight line to the point in the present boundary to the eastward of Nun Mill at which the mill stream meets the river Nen.

OLDHAM.—*Description*.—The present borough of Oldham and the space included between the present boundary of the borough and the following boundary ; that is to say, from the point near Holt's Mill at which the river Medlock leaves the present boundary of the borough, along the river Medlock to the point at which the same meets Wood Brook ; thence along Wood Brook to the point at which the same meets the county boundary between Lancashire and Yorkshire ; thence, northward, along the said county boundary to the point at which it meets the present boundary of the borough at Mill Bottom.

OXFORD.—*Description*.—The present borough of Oxford : so much of the parish of St. Giles as is not already within the

borough : and the space included between the present boundary of the borough and the following boundary ; that is to say, from the point at which the Great Western Railway leaves the present southern boundary of the borough, southward, along the eastern side of the said railway to the point at which it crosses the Hinksey stream ; thence, eastward, in a straight line to the point at which the Henley-road crosses the Cowley Marsh Ditch ; thence along the said ditch to the point at which it meets the boundary of the parish of Headington ; thence, northward, along Moors Brook, and along the ditch which crosses the turnpike road from Oxford to London near the public-house called "The White Horse" to the point at which the said ditch meets the footpath leading from Headington to Oxford ; thence, southward, along the said footpath to the point in the present boundary called "Joe Pullen's Tree."

**PENRYN AND FALMOUTH.**—*Description.*—The present borough of Penryn and Falmouth ; so much, if any, of the old borough of Penryn as is not already within the borough ; and such part of the parish of Mylor as lies between the present boundary of the borough and the following boundary ; that is to say, from the north-easternmost angle of the present boundary of the borough (at which the boundary between the borough and the parish of Mylor turns southward) in a straight line eastward to the point at which the roads from Penryn to Mylor Bridge and from Penryn to Tregew diverge ; thence along the said road leading to Tregew to the point at which it is met by the road coming from the Pillars ; thence, northward, along that road to the junction of roads at the Pillars ; thence, eastward, along the road to Mylor Church town to the point at which it meets the road from Flushing to Mylor Church town ; thence, south-eastward, in a straight line to be drawn in direction of the tower of Pendennis Castle to the point at which it meets the present boundary.

**PETERBOROUGH.**—*Description.*—The present borough of Peterborough, and the space included between the present boundary of the borough and the following boundary ; that is to say, from the point at which the river Nene joins the stream called the Cats Water at the junction of the three counties of Huntingdon, Cambridge, and Northampton, along the river Nene, in a south-easterly direction, to the point at which the same joins the stream called Morton Leam ; thence, southward, along the Morton Leam to the point, south of the railway-bridge over the same, at which the same joins a brook called Fletton Spring ; thence in a south-westerly direction along the Fletton Spring, crossing the Fletton-road, to the point at which the Fletton Spring meets the London-road ; thence, northward, along the London-road to the boundary stone at the junction of Woodstone-lane with the London-road ; thence, in a north-westerly direction along the eastern fence of Woodstone-lane to the point at which

the same joins the Oundle-road; thence in a straight line to Woodstone Stanch on the river Nene.

**PLYMOUTH.**—*Description.*—The present borough of Plymouth: so much of the tithing of Compton Gifford as lies to the south of Higher Compton-lane: and the space included between the present boundary of the borough and the following boundary; that is to say, from the point at which Mill Bay Pier meets the present boundary of the borough, along the south side of the said pier to its western extremity; thence in a straight line across the entrance of Mill Bay to the nearest point of the boundary of the parliamentary borough of Devonport; thence, northward, along the boundary of the said borough of Devonport to the point at which it meets the present boundary of the borough.

**PRESTON.**—The present borough of Preston, exclusive of such part thereof (if any) as lies on the south side of the present course of the river Ribble.

**RICHMOND.**—*Description.*—The present borough of Richmond, the extra-parochial district of St. Martin's, and the hamlet of Sleegill in the township of Hipswell.

**ROCHDALE.**—*Description.*—From the point at which the Oldham-road meets the southern boundary of the hamlet of Buersill, eastward, along the Deans and Silver Hill-lane to the point at which the said lane meets the boundary of the hamlet of Buersill; thence, northward, along the boundary of the hamlet of Buersill to the point at which the same meets the boundary of the hamlet of Newbold; thence, westward, along the boundary of the hamlet of Newbold to the point at which the same meets the Rochdale Canal; thence, northward, along the Rochdale Canal to the point at which the same meets the eastern boundary of the hamlet of Belfield, near Belfield Mill; thence along the boundary of the hamlet of Belfield to the point at which the same meets the boundary of the hamlet of Wuerdle; thence along the boundary of the hamlet of Wuerdle to the point at which the same meets Ash Brook; thence, northward, along Ash Brook to the point at which the same meets the Little-borough-road at Smallbridge; thence, northwestward, in a straight line to the point at which the eastern boundary of the township of Wardleworth touches the bridge over Buckley Brook below Ryding's Mill; thence, northward and then westward, along the boundary of the township of Wardleworth to its north-western angle in the Hamer Pasture reservoir of the Rochdale water-works; thence, westward, to the point at which Smallshaw Brook meets the river Spodden; thence, southward, in a straight line to the point at which Caldershaw Brook enters Caldershaw reservoir; thence, westward, along Caldershaw Brook to the point at which the same meets the southern boundary of the hamlet of Catley-lane; thence, southward, along the boundary of the hamlet of Catley-lane to the point at which it is crossed by the

footpath leading from Greave to Bottoms; thence, southward, in a straight line to the point in the boundary of the hamlet of Chadwick at the river Roach, opposite to the point at which Hill House Brook joins the said river; thence, eastward, along the boundary of the hamlet of Chadwick to the point at which the same meets Sudden Brook; thence along Sudden Brook to the point at which the said brook meets the boundary of the hamlet of Buersill; thence, southward, along the boundary of the hamlet of Buersill to the southernmost point at which the boundary of the said hamlet touches Cripplegate-lane; thence, eastward, in a straight line to the point first described.

**SALISBURY.**—*Description.*—The present borough of Salisbury, and that portion of the parish of Fisherton Anger adjoining the present borough (and now within the borough of Wilton), which is contained within the following boundary; that is to say, from the north-western angle of the present boundary in the Devizes-road in a straight line to the point at which the western boundary of the parish of Fisherton Anger crosses the Wilton-road; thence along the boundary of the said parish to the point at which it meets the lower road from Fisherton to Bemerton; thence in a straight line, in a south-eastwardly direction, to the present boundary at the south-west corner of the premises occupied as the old Fisherton National School.

**STAFFORD.**—*Description.*—The present borough of Stafford, and such parts of the parish of Castlechurch, called Castletown and Forebridge, to which the act 3 & 4 Will. 4, c. 90, has been applied, as lie between the present boundary of the borough and the following boundaries respectively; that is to say,

No. 1. From the point at which the present boundary is crossed by Spital Brook-lane, eastward along the said lane to the point at which it meets the Trent Valley Railway; thence, westward, along the north side of the said railway (crossing the Lichfield-road) to the point at which it crosses Spital Brook.

No. 2. From the westernmost point of the present boundary in the Penkridge-road, southward, in a straight line to the nearest point of the outer plantation of the Rowley estate; thence, westward, along the north side of the said plantation to the lodge gate at Rowley-lane; thence, south-westward, along the north side of Oxlezzar-lane for about one hundred and twenty yards to the point at which it is met by a hedge; thence, northward, along the said hedge for about ninety yards to the point at which it meets a drain, which runs to the commission main drain; thence along the said drain (crossing the Newport-road) to the commission main drain; thence, north-westward, along the commission main drain to the point at which it crosses Burley-lane; thence, eastward, along Burley-lane to the Doxey-road; thence along the Doxey-road to the gateway into Broadeye meadows; thence along a commission ditch from the said gateway to the river Sow.

**STAMFORD.**—*Description.*—The present borough of Stamford, and so much of the parish of St. Martin Stamford Baron as is included between the present boundary of the borough and the following boundary; that is to say, from the point of the wall of Burghley Park at which the present boundary meets an occupation road called the "New Road," which runs from the Barnack and Pilsgate road to the river Welland, eastward, along the wall of Burghley Park to the point at which that wall cuts the boundary of the parish of St. Martin Stamford Baron; thence, northward, along the boundary of the said parish to the present boundary of the borough in the river Welland.

**STOKE-UPON-TRENT.**—*Description.*—The present borough of Stoke-upon-Trent, the local government district of East Vale in the parish of Caverswall, so much of the hamlet of Sneyd-green and parish of Burslem as lies to the west of the road leading from Hanley to Smallthorne, and the space included between the present boundary of the borough and the following boundary; that is to say, from the point in the present boundary at which the mill-race forming such boundary meets the wall which is the eastern boundary of the grounds of Spratslade House, eastward, across the Trentham-road to the north-west corner of the boundary of the local government district of Dresden; thence along the western, southern, and eastern boundary of the said district to the point at which it meets the turnpike road leading from Spratslade to the Uttoxeter-road; thence, eastward, along the said turnpike road to the point at which it meets the boundary between the parishes of Stone and Caverswall in the Uttoxeter-road; thence, north-westward, along the said parish boundary to the present boundary of the borough.

**STROUD.**—*Description.*—The present borough of Stroud, and such detached portions of the parishes of Standish and Brookthorpe as lie between the present borough and the parish of Haresfield.

**SUNDERLAND.**—*Description.*—The present borough of Sunderland, and that part of the municipal borough which is not within the parliamentary borough.

**TAUNTON.**—*Description.*—The present borough of Taunton, and so much of the parish of St. James as is included between the present boundary of the borough and the following boundary; that is to say, from the point in the present boundary at which the Mill Cross stream enters it at Mr. Benson's farm in Greenway-lane, northward, in a straight line to a point on the Kingston-road, one hundred and ninety-five yards (measured along the said road) north of the first milestone; thence, eastward, in a straight line to a point on the Cheddon-road, two hundred and eight yards (measured along the said road) north of the first milestone; thence, southward, along the Cheddon-road to the point at which it meets the present boundary at Prior's Wood-lane.

**WAKEFIELD.**—*Description.*—The municipal borough of Wakefield.

**WALSALL.**—*Description.*—The present borough of Walsall, and so much of the parish of Rushall, adjoining the borough, as is contained within the following boundary; that is to say, from the point at which the present boundary of the borough intersects the Cartbridge-road, along that road in a southerly direction to its junction with the Lichfield-road; thence, northward, along the Lichfield-road to the end of Hall-lane; thence, eastward, along Hall-lane to a point seventy-four yards from and in production of the east end of Rushall Church; thence, south-eastward, in a straight line to the junction of Mr. Mellish's, New street, with the road from Longwood Bridge to Walsall; thence, south-eastward, along the said road to Longwood Bridge, and, southward, along the same road to the present boundary of the borough.

**WILTON.**—*Description.*—The present borough of Wilton, except such part thereof as is included within the following boundary: from the north-western angle of the present boundary of the borough of Salisbury in the Devizes-road, in a straight line to the point at which the western boundary of the parish of Fisherton Anger crosses the Wilton-road; thence along the boundary of the said parish to the point at which it meets the lower road from Fisherton to Bemerton; thence in a straight line in a south-eastwardly direction to the present boundary of the said borough of Salisbury, at the south-west corner of the premises occupied as the old Fisherton National School.

**NEW WINDSOR.**—*Description.*—The present borough of Windsor: so much of the parish of Eton as lies to the east of the Great Western Railway: and so much of the parish of Clewer as lies between the present boundary of the borough and the following boundaries respectively, that is to say, from the westernmost point of the present boundary in the river Thames westward along the main channel of the said river to the westernmost point of the bend in it north of the Clewer Mill; thence, southward, in a straight line to a point on the Dedworth-road two hundred yards from its junction with Hatch-lane, measured westward along the said road; thence along the Dedworth-road to its junction with Hatch-lane; thence along Hatch-lane to the end of Albion-place; thence along the hedgerow which is the boundary of St. John's Orphan Home to the point at which it meets the footpath that leads from the Dedworth-road to the Spital-road; thence, northward, along the said footpath to the point at which it meets Green-lane; thence, eastward, along Green-lane to Mr. Harris's farm, and in a straight line in prolongation of the said lane to the point at which it meets the present boundary: and from the angle in the present boundary about two hundred yards north of the Stag



and Hounds in a straight line to Clewer Lodge Gate on the Spital-road; thence, westward, along the Spital-road to the point at which it meets Chapel-lane; thence, southward, along the said lane and in a straight line from the extremity thereof to the angle of the present boundary at Mr. Applegath's house.

**WORCESTER.**—*Description.*—The present borough of Worcester, and the spaces included between the present boundary of the borough and the following boundaries respectively; that is to say, from the point at which the present boundary leaves the river Severn, southward, along that river, to the point at which it is joined by Duck Brook; thence, eastward, along the southernmost branch of that brook to the point at which it meets the Oxford, Worcester, and Wolverhampton Railway; thence towards Worcester along the western side of the said railway to the point at which it crosses the occupation road to Middle Battenhall Farm; thence, northward, along the said occupation road to the London-road at Red Hill; thence, westward, along the said road until it meets the occupation road leading by the east of Lark Hill to Perry Wood; thence along the said occupation road to the point at which it meets a bridle road leading through the wood to Wyld's-lane; thence along the said bridle road until it meets the present boundary of the borough: and from the point at which the present boundary leaves the northernmost end of Perry Wood in a straight line to the point on the Crowle-road opposite to Ronkswood Farm at which the pathway to the Virgin Tavern leaves the said road; thence along the said pathway to the Tollerdine-road; thence, northward, along the Tollerdine-road to the point at which it meets the occupation road leading to Brickfield Farm; thence, westward, along the last-named occupation road and along Green-lane to the point at which the latter meets the Astwood turnpike-road; thence, northward, along the last-named road to Bilford Canal Bridge; thence along Bilford-lane to its junction with the Droitwich-road; thence, northward, along the Droitwich-road to its junction with Checketts-lane; thence, westward, along the said lane to its junction with the Ombersley-road; thence, northward, along the said road to its junction with the first lane leading to Northwick; thence along the said first lane to its junction with Northwick-lane; thence, southward, along Northwick-lane to the point, north of the junction of Northwick-lane and the Ombersley-road, at which it meets the pathway leading to the ferry over the river Severn; thence in a straight line to the point in the Hallow-road opposite the second milestone thereon; thence, northward, along the said road for a distance of thirty yards; thence, westward, along a lane to the Laughan Brook; thence, southward, along the said brook to the point at which it meets the Bransford-road; thence, eastward, along the Bransford-road to the point at which it meets the present boundary of the borough.

## OLD BOROUGH (WALES).

BEAUMARIS DISTRICT BOROUGH.—*Description*.—Beaumaris, not altered.

Amlwch, not altered.

Holyhead.—The present borough of Holyhead, and the space included between the present boundary of the borough and the following boundary; that is to say, from the point called "Capel Ulo" (which would be reached by producing the present boundary across the old Port-road for a distance of fifty yards in a south-westerly direction) in a straight line to the point at which the present boundary meets, and proceeds along a road leading northwards from the country to the town; thence in a straight line to the southernmost point of the group of houses called "Stryd;" thence in a straight line to the southernmost point of the group of houses called Millbank-gardens; thence in a straight line to the point at which the lane leading from Ffynan-Goillas meets the present boundary in the South Stack-road; thence in a south-westerly direction along the South Stack-road for a distance of two hundred and eighty-five yards to the point at which there is a slight bend in the road towards Llangoch; thence in a straight line to the Wesleyan chapel at the upper end of Llangoch; thence in a straight line to the millpond of Melyn-Twr, where the same forms the present boundary; thence along the present boundary to the point at which it is crossed by the boundary wall of the Government harbour works; thence in a westerly direction for a distance of about three hundred and fifty yards along the said wall to the Old Bell Tower; thence in a straight line to the southern extremity of a creek lying on the western side of the "Soldier's Point;" thence eastward along the shore to the point at which it meets the present boundary.

Llangefni, not altered.

CARDIFF DISTRICT BOROUGH.—*Description*. Cardiff.—The present borough of Cardiff, and so much of the parishes of Roath, Leckwith, and Llandaff as lies between the present boundary of the borough and the following boundary; that is to say, from the point at which the Roath Brook touches the north-eastern angle of the present borough, south-eastward, along the said brook to the point at which it is crossed by the South Wales Railway; thence, eastward, along the south side of the said railway to the river Rumney; thence, southward, along the said river to the sea, and along the seashore to the westernmost mouth of the river Ely; thence up the river Ely to the point at which it is crossed by the road from Cowbridge to Llandaff; thence, north-eastward, along the said road to the point at which it meets the Penshishley-road; thence along the Penshishley-road to the point at which it meets the present boundary of the borough.

Cowbridge, not altered.

Llantrissaint, not altered.

**CARDIGAN DISTRICT BOROUGH.**—*Description.*—Cardigan.—The present borough of Cardigan, and so much of the hamlet of Pent-y-groes, in the parish of St. Dogmel's, as is bounded on the north by the Abbey hamlet, on the south by the Bridge-end hamlet, on the east by the river Teifi, and on the west by the following boundary; that is to say, from the point at which the road leading from the farmhouse and offices called Waun-whiod intersects the boundary of the Bridge-end and Pent-y-groes hamlets, northward, along the said road as far as the Clawddcam cross roads; thence along the old road leading to Maeneian to the point at which it intersects the boundary of the Pent-y-groes and Abbey hamlets.

Aberystwith, not altered.

Adpar, not altered.

Lampeter, not altered.

**CARMARTHEN DISTRICT BOROUGH.**—*Description.*—Carmarthen, not altered.

Llanelly.—The present borough of Llanelly, and that part of the hamlet of Westfae which is nearly surrounded by the borough, and lies to the south of the road from Trostre Farm to the village of Marble Hall.

**CARNARVON DISTRICT BOROUGH.** — *Description.* — Carnarvon, not altered.

Bangor.—The present borough of Bangor; so much of the local government district of Bangor in the parish of Bangor as is not already within the borough; and the space included between the present boundary of the borough and the following boundary; that is to say, from the point at which the present boundary of the borough meets the boundary of the local government district on the side of the Menai Straits, along the last-mentioned boundary to the point at which it is intersected by the old Carnarvon-road at the place called Pen-y-chwyntan; thence along the said road in a south-westerly direction to the point at which it is joined by an occupation road leading from the farmhouse of Traws Canol; thence along the said occupation road to the north-eastern angle of the said farmhouse; thence in a straight line to the north-eastern angle of the farmhouse of Bryn-CIwyd; thence in a straight line to the point at which the boundary of the local government district is intersected by the road leading to Pentir; thence, eastward, along the boundary of the said district to the point at which it is intersected by a road leading to Glas-dufryon; thence, northward, along the last-mentioned road to the point at which it meets the present boundary of the borough.

Conway, not altered.

Criccieth.—The present borough of Criccieth, and the space included between the present boundary of the borough and the following boundary; that is to say, from the northernmost point of the present boundary of the borough in a straight line to the house at the slate-quarry on the Brain Brook on the farm called

Ednyfedd; thence to the nearest point in the Brain Brook and down the said brook towards the sea to the point at which it meets the present boundary.

Nevin, not altered.

Pwllheli, not altered.

DENBIGH DISTRICT BOROUGH.—*Description.*—Denbigh.—From the well called Ffynnon-Ddu in a straight line to the point at which the road leading to Berllanbach joins the road from Ty Mawr to Denbigh; thence along the road to Berllanbach; thence in a straight line to the junction of roads at Brynmulan; thence along the road which passes Rosabach to the point at which it joins the road leading from Maesy-Plwm to Bryn-y-Gwynt; thence along the road which passes to the west of Segroitucha to the point at which it joins the road leading from Cerrig-y-druidion to Denbigh; thence, westward, along the Cerrig-y-druidion road to the gate of the road leading to Plas-Captain; thence along the last-named road to Plas-Captain House; thence in a straight line to the boundary stone at a place called Waen-Twm-Pi on the road from Nantglyn to Denbigh; thence in a straight line to Pandy Fulling Mill or factory (sometimes called Pandyissa); thence in a straight line to Pandyucha; thence in a straight line to Fach House; thence in a straight line to the east corner of Bryncoch House (excluding that house); thence in a straight line to the centre of Henllan parish pound at the cross road near Erriviattbach; thence in a straight line to Ffynnon Meirchion at Pandy Henllan; thence along the stream called Aber-Meirchion to the point on it opposite Henllan Mill; thence in a straight line to the keeper's cottage at the back of Henllan Vicarage, near to Garn-gardens; thence in a straight line to Garn House; thence in a straight line to Plas-Heaton House; thence in a straight line to the well called Ffynnon Cneifiwr; thence along the stream issuing from that well to the point at which the said stream enters the river Clwyd; thence along the river Clwyd to the point at which it is joined by the Aberham stream; thence along the Aberham stream to the point first described.

Holt, not altered.

Ruthin, not altered.

WREXHAM.—The present borough of Wrexham, and the space included between the present boundary of the borough and the following boundary; that is to say, from the point south of Croesyneiris Farm, at which the township of Wrexham Regis joins the townships of Acton and Stansty, along the boundary of the township of Stansty to Watt's Dyke, at which it meets the boundary of the township of Gwersyllt; thence along the boundary between the townships of Stansty and Gwersyllt to the point at which it meets the road leading from Rhosddu to Rhosrobin; thence, southward, along the said road to the point at which it meets the railway; thence along the road south of the park wall of the lodge to the four cross roads leading to

Wheatsheaf, Wrexham, and Plascoch; thence along the township road leading past Plascoch to the Plascoch toll-bar on the Wrexham and Mold turnpike road; thence along the said township road to its junction with the road to Brymbo and Croesnewydd; thence along the last-named township road to its junction with the Wrexham South Sea township road, near to Croesnewydd farm gate; thence, westward, along the said road to its junction with the Canal-lane; thence along the same to its junction with the Wrexham and Ruthin turnpike road; thence, eastward, along the said turnpike road to its junction with the College-lane; thence along the said lane to its junction with the Wrexham and Bersham townships road; thence, crossing the said townships road, along the road leading to Esless' Corn Mill to the said mill; thence along the footway south of the said mill to the wooden bridge leading over the Great Western Railway, and along the said footway to the point at which it joins the Wrexham and Ruabon turnpike road; thence, northward, for a distance of about one hundred yards along the said turnpike road to its junction with the old road leading to Ruabon; thence, southward, along the said last-mentioned road to the gateway of the lane leading through Little Erddig Farmyard to Erddig Park to the point in the present boundary of the borough, at the bridge under the private carriage-drive in Erddig Park.

**FLINT DISTRICT BOROUGH.**—*Description.*—Flint. The present borough of Flint and the township of Coleshill Fechan.

Caergwylie, not altered

Caerwys, not altered.

**HOLYWELL.**—The present borough of Holywell, together with so much of the townships of Whelstone, Bagillt Fawr, Bagillt Fechan, Brynford, and Holywell, as lies between the present boundary of the borough, and the following boundaries respectively; that is to say, Whelstone, Bagillt Fawr, and Bagillt Fechan. From the point in the eastern corner of the present boundary of the borough at which the townships of Greenfield and Whelstone meet on the shore of the estuary of the Dee, southward, along the said estuary to the junction of the townships of Bagillt Fechan and Coleshill Fechan; thence, westward, from the shore, along the boundary of the township of Bagillt Fechan, to the point at which the said boundary is intersected by an occupation road leading from the hamlet of Farm to Gadlas; thence, northward, along the said occupation road, and along the road leading to Holywell, to the point at which it crosses the boundary between the townships of Bagillt Fechan and Bagillt Fawr; thence along the said road to the point at which the rivulet separating the townships of Bagillt Fawr and Whelstone passes under the said road; thence along the said road to the point at which it meets the present boundary of the borough at the junction of the township of Whelstone, Holywell, and Brynford, at Nant Elbrook.

**Brynford.**—From the point in the present boundary of the borough at the junction of the townships of Whelstone, Holywell, and Brynford, southward, along the rivulet in the wood of Nant Elbrook to the point at which it is joined by a tributary stream running down thereto from the house and grounds of Pistill; thence along the said stream, south-westward, to the point at which it crosses the Mold turnpike road; thence, northward, in a straight line to the boundary stone of the present borough at Pen-y-bryn Hill.

**Holywell.**—From the boundary stone of the present borough at Pen-y-bryn Hill, north-westward, in a straight line crossing the Pen-y-ball road to the south-west corner of the farmhouse called The Grange; thence, north-eastward, in a straight line to the boundary stone at the westernmost angle of the present boundary of the borough.

**Mold.**—The present borough of Mold, and so much of the townships of Bryncauallt and Broncoed as lies between the present boundary of the borough and the following boundary; that is to say, from the point at which the road called the Ffordd-Glai leading from High-street crosses the present boundary, southward, along that road to the point at which it meets the road from Pen-y-fford to Pwll-melyn; thence in a south-easterly direction along the latter road, passing Pen-y-fford and the Ruthin road, to the point near Glanraffon Colliery at which it turns to the north-east in the direction of the town; thence along the fence which divides the two fields numbered respectively 2251 and 2254 on the tithe map of the parish of Mold from the field numbered 2262 on the said tithe map to the point at which the said fence intersects a stream running in an easterly direction; thence up the said stream and along the fence which runs on the south side of the field numbered 2261 on the said tithe map; thence along the west and south sides of the field numbered 2311 on the said tithe map; thence along the south side of the meadow (numbered 2313 on the said tithe map) adjoining the garden; thence for a space of about twenty yards along the west side of the field numbered 2409 on the said tithe map; thence along the south fence of the said field and of the field numbered 2408 on the said tithe map to the point at which the said fence meets a lane leading from Broncoed to a place called the Little Mill; thence along the said lane to the point at which it joins the road leading from Mold to Nerquis; thence along the said road in a north-westerly direction to the point at which it meets the Mold and Wrexham turnpike road; thence along the said turnpike road, towards Mold for about one hundred yards, to the point at which the lane leading past Broomfield to Pentre leaves it in a north-easterly direction; thence along the said lane to the point at which it meets the present boundary of the borough.

**Overton,** not altered.

**Rhuddlan.**—From the point in the boundary of the manor of Rhuddlan in the river Clwyd, south of the town of Rhuddlan, at

which the boundary between the townships of Pengwern and Gwernglefryd meets the river Clwyd, southward, along the boundary of the said manor through Pengwern Park, and through Sarn, Fferm, and Faenol-fawr farms, to the point at which the said manor boundary meets the boundary of the parish of Abergele and the boundary of the county of Denbigh; thence, northward, along the boundary of the said manor and county to the river Clwyd; thence, south-eastward, along the river Clwyd to the point at which the boundary between the townships Yscawen and Cefndu meets the said river; thence, north-eastward, along the boundary between the two last-mentioned townships, and along the exterior boundary of the townships of Yscawen and Brynywall to the point at which the boundary between the townships of Brynywall and Rhydorddwy meets the boundary of the parish of Dyserth; thence, southward, along the boundary between the parishes of Rhuddlan and Dyserth, and along the boundary between the parishes of Rhuddlan and Cwm, to the river Clwyd; thence, north-westward, along the river Clwyd to the point first described.

St. Asaph, not altered.

**MERTHYR TYDVIL.**—The present borough of Merthyr Tydvil, and so much of the local government district of Mountain Ash, in the parish of Llanwornno, as is not included in the present borough.

**PEMBROKE DISTRICT BOROUGH.** — *Description.*—Pembroke.—The present borough of Pembroke, and such part of the parish of Llanstadwell as is included between the present boundary of the borough and the following boundary; that is to say, from the northernmost point of Pater Battery at Pembroke Dockyard, northward, in a straight line to the middle of the ford across the stream which runs through Church Lake, at which it meets the sea coast at the high-water mark of ordinary tides; thence up the said stream to the point at which it meets a road running south from Little Honeyborough; thence along the said road to the cross roads at Little Honeyborough; thence, eastward, along the road which runs east from the said cross roads to the point at which it meets the road running south from Sheeping to Honeyborough; thence, northward, along the last-mentioned road to the point at which it crosses the northern branch of a stream near Sheeping which runs into Washfill Pill; thence down the said stream to the point at which it meets the eastern boundary of the parish of Llanstadwell; thence, southward, along the said parish boundary to the sea shore, and in a straight line to be drawn in direction of the powder-magazine between Hobb's Point and Pembroke Ferry, to the point at which it meets the present boundary of the borough.

Milford, not altered.

Tenby, not altered.

Wiston, not altered.

**SWANSEA DISTRICT BOROUGH.**—*Swansea.*—The present borough of Swansea, and such parts of the parishes of Swansea and Llangefelach as lie between the present boundary of the borough and the following boundaries respectively; that is to say,

*Swansea.*—From the point at which the present boundary meets the Cwm-Bwrla-road at the public-house called the "Traveller's Well," westward along the said road to the point at which it is met by a lane which runs in a northerly direction to the Loughor-road; thence along the said lane and across the Loughor-road to the point at which the eastern side of the lane meets the eastern fence of the field numbered 1609 on the tithe map of the parish of Llangefelach; thence along the said fence, and thence to the nearest point of the present boundary.

*Llangefelach, No. 1.*—From the point at which the present boundary meets the western fence of the field numbered 2481 on the tithe map of the parish of Llangefelach, northward along the said fence, and along the western fence bounding the fields numbered respectively 2483 and 2482 on the said map, to the point at which the said fence meets the road from Penlan Farm; thence, eastward, along the said road to the point at which it meets the present boundary.

*Llangefelach, No. 2.*—From the point of the present boundary at which the roads called Heol-y-Cnap and Heol-y-Castell respectively join, northward along the said road "Heol-y-Castell" to the point at which it meets Duke's-road; thence, westward, along Duke's-road to the point at which it meets the road from Three Classes; thence, northward, along the road running from Three Classes to the point at which the same meets the road from Llangefelach; thence, eastward, along the Llangefelach-road to the point at which it meets the present boundary at the "Cross," where the last-mentioned road crosses the road to Clydach.

*Aberavon.*—The present borough of Aberavon and so much of the hamlet of Michaelstone Lower as is not already included in the borough.

*Kenfig*, not altered.

*Loughor*, not altered.

*Neath.*—The present borough of Neath, and such parts of the hamlets of Blaenhondden and Dyffryn Clydach respectively as lie between the present boundary of the borough and the following boundary; that is to say, from the point at which the South Wales Railway running west from the town of Neath crosses the present boundary, along the south side of the said railway, to the point at which it first crosses the boundary of the hamlet of Dyffryn Clydach; thence along the same side of the said railway to the point at which it again crosses the said boundary; thence, southward, along the western boundary of the said hamlet of Dyffryn Clydach, to the point at which it meets the present boundary of the borough.

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## SECOND SCHEDULE.

## NEW BOROUGHES.

**BURNLEY.**—*Description.*—The township of Burnley, and so much of the township of Habergham Eaves as lies to the north of the following boundary; that is to say, from the point on the west at which the boundary of the township of Habergham Eaves crosses the road from Burnley to Accrington at the canal, along that road towards Burnley to the point at which it is met by the cross road coming from Causeway End; thence in a south-easterly and easterly direction along the road to Causeway End to the point at which it meets the road from Burnley to Rochdale; thence, northward, along the Rochdale and Burnley road to the point at which it is met by the footpath called the Rabbit Walk; thence, eastward, along the said footpath to the river Calder, and in a straight line across the said river to the boundary of the township of Burnley, at Towneley Deer Park.

**CHELSEA.**—*Description.*—The parish of St. Luke, Chelsea (including the detached portion); the parish of Fulham; the parish of Hammersmith; the parish of St. Mary Abbots, Kensington. So much of the parish of Willesden, at Kersal Green, as adjoins the parish of Kensington, and the detached portion of the parish of Chelsea, and lies to the south of the London and North-western Railway, and to the west of a straight line to be drawn from the junction of the parishes of Willesden and Paddington with the detached portion of the parish of Chelsea, to the nearest point in the southern fence of the London and North-western Railway opposite to the said junction.

**DARLINGTON.**—*Description.*—The municipal borough of Darlington.

**DEWSBURY.**—*Description.*—The township of Dewsbury: so much of the town of Batley as lies to the south of the following boundary; that is to say, from the junction of the townships of Heckmondwike, Gomersall, and Batley at Smithies Moor, eastward, to the point at Upper Batley, at which a bridle road passing Batley Hall, joins Upper Batley-lane; thence along the said Bridle-road about two hundred and forty yards to the point at which it turns southwards; thence in a straight line to the point on the eastern boundary of the township at which Howley Beck is crossed by the footpath leading from Upper Batley to School Croft; the nether division of the township of Soothill; the local government district of Ravensthorpe, in the parish of Mirfield; and so much of the township of Thornhill, as lies to the north of the following boundary; that is to say, from the point in the river Calder, near Greenwood Lock, at which the boundary between the parishes of Mirfield and Thornhill leaves the said river, south-eastward, to the point at which the Cromwell Colliery Railway crosses the Bridle-road leading to Thornhill

Lees, about three hundred and thirty-five yards from the south side of Moor-lane, measured along the said railway; thence, eastward, in a straight line to the point near Hill Top, at which the long causeway joins the road leading from Thornhill-road to Hill Top; thence in a straight line to the junction of the townships of Thornhill, Soothill, and Ossett-cum-Gawthorpe, in the river Calder.

**GRAVESEND.**—*Description.*—The parishes of Milton and Gravesend, and so much of the parish of Northfleet (not including its detached portion) as lies to the north of the old Roman-road called “Watling Street.”

**MIDDLESBOROUGH.**—*Description.*—The municipal borough of Middlesborough, and such parts of the townships of Ormesby, Normanby, and Eston as lie to the north of a straight line to be drawn from the south-east angle of the municipal boundary at Ormesby Beck to a stile on the eastern boundary of the said township of Eston, at which stile the footpath leading westward from Lackenby-lane, near Thorntree House, crosses Lackenby Beck.

**STALYBRIDGE.**—*Description.*—The municipal borough of Stalybridge, and that portion of the township of Dukinfield which is not included in the municipal borough of Stalybridge, or in the parliamentary borough of Ashton-under-Lyne.

**STOCKTON-ON-TEES.**—*Description.*—The township of Stockton: the township of Thornaby: so much of the township of Linthorpe as lies to the north of the new navigable channel or cut of the river Tees; and so much of the parish of Norton as is included within the following boundary; that is to say, from the point at which the parishes of Norton, Billingham, and Stockton meet in Billingham Beck, northward, along the boundary of the parish of Norton until it reaches a point at which a path from Crook Dike-lane, and the ironworks, going in a north-westerly direction, begins to pass closely between the Mill Race of Wolviston Mill and Billingham Beck; thence leaving Billingham Beck and the parish boundary of Norton, and crossing that path in a south-westerly direction to the centre of the said Mill Race; thence, south-eastward, along the said Mill Race for a distance of about one hundred yards, to the angle of the said Mill Race, at which a small beck meets it from the south; thence, up the said small beck in a westerly direction to and through Whitehouse Plantation to the point at which that beck crosses the West Hartlepool Railway; thence along the south side of the said railway in a westerly direction to the point at which the Stockton and Durham high road crosses the said railway; thence in a south-easterly direction along the said road to the turnpike at which a lane from Norton crosses it; thence along the said lane, westward, for a distance of about thirty yards, to the point at which it is joined by another lane coming from the south; thence along

this last-mentioned lane in a south-easterly direction to the point at which it meets the boundary of the township of Stockton; thence, eastward, along the boundary of the township of Stockton to the point first described.

**WEDNESBURY.**—*Description.*—The parishes of Wednesbury, West Bromwich, Tipton, and Darlaston.

### THIRD SCHEDULE.

#### DIVISIONS OF COUNTIES.

Name of County divided.	Division.	Parts comprised in such Division.
Somersetshire	East Somerset ..	The existing Sessional Divisions of *— Frome, Keynsham, Kilmersdon, Long Ashton, Temple Cloud, Weston.

\* The parishes and places in the existing sessional division of Frome are—Beckington, Berkley, Cloford, Elm, Frome Selwood, Laverton, Leigh-upon-Mendip, Lullington, Marston Bigott, Mells, Nunney, Orchardleigh, Road, Rodden, Standerwick, Wanstraw, Whatley, Witham Friary, Woolverton.

The parishes and places in the existing sessional division of Keynsham are—Brislington, Burnet, Compton Dando, Felton otherwise Whitechurch, Keynsham, Marksbury, Norton Malreward, Pensford, Priston, Publow, Queen Charlton, Saltford, Stanton Drew, Stanton Prior.

The parishes and places in the existing sessional division of Kilmersdon are—Ashwick, Babington, Buckland Dinham, Hardington, Hemington, Holcombe, Kilmersdon, Radstock, Stratton-on-the-Fosse, Writhlington.

The parishes and places in the existing sessional division of Long Ashton are—Abbots Leigh, Backwell, Barrow Gurney, Bedminster, Brockley, Chelvey, Clapton, Clevedon, Dundry, Easton-in-Gordano otherwise Saint George, Flax Bourton, Kenn, Kingston Seymour, Long Ashton, Nailsea, Portbury, Portishead, Tickenham, Walton-in-Gordano, Weston-in-Gordano, Winford, Wraxall, Yatton.

The parishes and places in the existing sessional division of Temple Cloud are—Cameley, Chelwood, Chew Magna, Chewton Mendip, Chewstoke, Chilcompton, Clutton, Compton Martin, East Harptree, Emberrow, Farrington Gurney, Farmborough, Green Ore, High Littleton, Hinton Blewett, Litton, Midsomer Norton, Nempnett, Norton Hawkfield, Paulton, Stone Easton, Stowey, Timsbury, Ubley, West Harptree.

The parishes and places in the existing sessional division of Weston are—Bathampton, Batheaston, Bathford, Bathwick, Camerton, Charlcombe, Claverton, Combhay, Corston, Dunkerton, Englishcombe, Farleigh, Foxcote otherwise Forscote, Freshford, Hinton Charterhouse, Kelston, Langridge, Lyncombe and Widcombe, Monckton Combe, Newton Saint Loe, Norton Saint Philip, Northstoke, Saint Catherine, Saint James, Saint Michael, Saint Peter and Saint Paul, Southstoke, Swainswick, Tellisford, Twerton, Walcot, Wellow, Weston, Woolley.

Name of County divided.	Division.	Parts comprised in such Division.
Somersetshire —cont.	East Somerset— cont.	As established by virtue of the Order of Her Majesty's Justices of the Peace for the County of Somerset, and the following Parishes within the existing Sessional Division of Axbridge, established by virtue of the said Order, viz.:— Banwell, Blagdon, Burrington, Butcombe, Charterhouse-on-Mendip, Christon, Churchill, Congresbury, Hutton, Kewstoke, Locking, Puxton, Rowberrow, Shipham, Uphill, Weston-super-Mare, Wick St. Lawrence, Winscombe, Worle, and Wrighton.
	Mid Somerset ...	The existing Sessional Divisions of *— Crewkerne, Shepton Mallet, Somerton, Wells,

\* The parishes and places in the existing sessional division of Crewkerne are—Crewkerne, Haselbury Plucknett, Hinton Saint George, Lopen, Merriott, Middle Chinnock, Misterton, North Perrott, Seaborough, Wayford, West Chinnock.

The parishes and places in the existing sessional division of Shepton Mallet are—Batcombe, Groscombe, Ditchet, Doultling, Downhead, East Cranmore, East Pennard, Evercreech, Hornblotton, Lamyat, Milton Clevedon, Pilton, Pylle, Shepton Mallet, Stoke Lane, Upton Noble, West Cranmore.

The parishes and places in the existing sessional division of Somerton are—Aller, Babcary, Baltonsborough, Barton Saint David, Butleigh, Charlton Adam, Charlton Mackrell, Compton Dundon, East Lydford, High Ham, Haish Episcopi, Kingsdon, Keinton Mandeville, Kingweston, Langport, Long Sutton, Muchelney, Pitney, Puddimore Milton, Somerton, Street, Walton, West Camel, West Lydford, Yeovilton.

The parishes and places in the existing sessional division of Wells are—Binegar, Dinder, In-Parish of Saint Cuthbert in Wells, Out-Parish of Saint

Name of County divided.	Division.	Parts comprised in such Division.
Somersetshire— — <i>cont.</i>	Mid Somerset— — <i>cont.</i>	Wincanton, and Yeovil. As established by virtue of the Order of Her Majesty's Justices of the Peace for the said County of Somerset, and the following Parishes within the existing Sessional Division of Axbridge established by virtue of the said Order, viz.:— Axbridge, Badgworth, Berrow, Biddisham, Bleadon, Brean, Burnham, Chapel Allerton, Cheddar, Compton Bishop, East Brent, Loxton, Lympsham, Mark, South Brent, Weare, and Wedmore.
Yorkshire, West Riding.	Northern Division	The Wapentake of— Ewecross and Staincliffe,

Cuthbert in Wells, Liberty of Saint Andrew in Wells, Meare, North Wootton, Nyland and Batcombe, Priddy, Rodney Stoke, United Parishes of Saint John the Baptist and Saint Benedict in the town of Glastonbury, West Bradley, West Pennard, Westbury, Wookey.

The parishes and places in the existing sessional division of Wincanton are—Alford, Ansford, Blackford, Bratton Seymour, Bruton, Castle Cary, Charlton Horethorne, Charlton Musgrove, Compton Pauncefoot, Corton Dinham, Cucklington, Eastrip, Four Towers, Gasper (Hamlet), Goathill, Henstridge, Horsington, Holton, Kilminster, Lovington, Maperton, Milborne Port, North Barrow, North Bruham, North Cadbury, North Cheriton, Penselwood, Pitcombe, Pointington, Sandford Orcaas, Shepton Montague, South Barrow, South Bruham, South Cadbury, Stoke Trister, Stowell, Sutton Montis, Temple Combe, Weston Bampfylde, Wheathill, Wincanton, Yarlinton, Yarnfield (Hamlet).

The parishes and places in the existing sessional division of Yeovil are—Ashington, Barwick, Brimpton, Chilthorne Damer, Chilton Cantelo, Chiselborough, Closworth, East Chincock, East Coker, Hardington Mandeville, Ilchester, Limington, Lufton, Marston Magna, Martock, Montacute, Mudford, Northover, Norton under Hamdon, Odcombe, Pendomer, Preston Plucknett, Queen Camel, Rimpton, Sock Dennis, Sparkford, Stoke under Hamdon, Sutton Bingham, Thorne Coffin, Tintinhull, Trent, West Coker, Yeovil.

Name of County divided.	Division.	Parts comprised in such Division.
Yorkshire, West Riding — <i>cont.</i>	Northern Division — <i>cont.</i>	The Parishes of— Bradford and Halifax, The Townships of— Bolton and Idle, } in the Wapentake of Morley.
	Eastern Division	The Wapentakes of— Claro, Skrack, Barkstonash, Osgoldcross, and Morley (except the Parishes of Bradford and Halifax and the town- ships of Bolton and Idle).

## FOURTH SCHEDULE.

County.	Division.	Places appointed for holding Courts for Election of Members.
Devonshire ... ..	North Devonshire	Barnstaple.
Essex ... ..	North-east Essex...	Colchester.
Lincolnshire ... ..	South Lincolnshire	Spalding.
West Kent ... ..	West Kent ... ..	Sevenoaks.
Yorkshire, West Riding	Northern Division	Bradford.
" " "	Eastern Division...	Leeds.

## FIFTH SCHEDULE.

## CONTENTS OF THE HUNDREDS OF FIREHILL.

*Firehill, North.*

Ashley.	Keele.	Standon.
Audley.	Madeley.	Stoke-upon-Trent.
Balterley.	Maer.	Swinnerton.
Barlaston.	Muclestone.	Trentham.
Betley.	Newcastle-under-	Tyrley and Bloore,
Biddulph.	Lyme.	with Hales and Al-
Burslem.	Normicott.	mington.
Chapel and Hill Chorl-	Norton-in-the-	Whitmore.
ton.	Moors.	Wolstanton.

*Pirehill, South.*

Abbot's Bromley.	Fradswell.	Seighford.
Adbaston.	Gayton.	Stafford, St. Mary and
Blithfield-with-New-	High Offley.	St. Chad.
ton.	Hopton and Coton.	Stone.
Chartley Holme.	Ingestre.	Stowe.
Chebsey.	Marston.	Tillington.
Cold Norton.	Milwich.	Tixhall.
Colton.	Ranton.	Weston-upon-Trent.
Colwich.	Ranton Abbey.	Whitgreave.
Cresswell.	Salt and Enson.	Worston.
Eccleshall.	Sandon.	Yarlet.
Ellenhall.		

## CONSECRATION OF CHURCHYARDS ACT (1867) AMENDMENT ACT.

31 & 32 VICT. CAP. 47.

Sect.

### SUMMARY.

Preamble—30 & 31 Vict. c. 133.

1. Giver of land may reserve exclusive right to extent of one-sixth.
2. Recited act to apply to burial grounds to unions.

### THE STATUTE.

*An Act to amend "The Consecration of Churchyards Act, 1867."—*  
[13th July, 1868.]

30 & 31 Vict. c. 133.—Whereas it is expedient that the Consecration of Churchyards Act, 1867, should be amended as hereinafter mentioned: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Giver of land may reserve exclusive right to extent of one-sixth.*  
—That in all cases where by the said act the giver of any land to be added to a consecrated churchyard is empowered to reserve the exclusive right in perpetuity of burial, and of placing monuments and gravestones in a part of the land so added not exceeding fifty square yards or one-sixth of the whole of the said land, in the manner and subject to the conditions and restrictions in the said act mentioned, it shall be lawful for the giver of such land to reserve such exclusive right as aforesaid in a part of the

land so added not exceeding one-sixth of the whole of the said land, subject to the restrictions and conditions and in the manner and for the purposes in the said act mentioned, and the said act shall be read as if in the ninth section thereof the words "not exceeding one-sixth part of the whole of the said land" were substituted for the words "not exceeding fifty square yards or one-sixth of the whole of the said land:" Provided always, that all powers with regard to the placing or erection of monuments and gravestones in churchyards which before the passing of the said act by law pertained to the bishop of the diocese, or to any person acting under his authority, shall remain in full force in respect to the land in which such exclusive right shall have been reserved as aforesaid.

2. *Recited act to apply to burial grounds to unions.*—The provisions of the act shall apply to burial grounds attached or belonging to union houses in England and Wales.

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31 & 32 VICT. CAP. 48.

*An Act for the Amendment of the Representation of the People in Scotland.*<sup>(1)</sup>—[13th July, 1868.]

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31 & 32 VICT. CAP. 49.

*An Act to amend the Representation of the People in Ireland.*—[13th July, 1868.]

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31 & 32 VICT. CAP. 50.

*An Act to amend the Acts for the Administration of Prisons in Scotland in so far as regards the County of Lanark; and for other Purposes.*—[13th July, 1868.]

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(1) The 43rd section of this act makes an important alteration in the English "Representation of People Act" of last year (30 & 31 Vict. c. 102), by disfranchising certain English boroughs. It is necessary, therefore, to give this section here in full: it is as follows: "Sect. 43.—Whereas, in order to provide for the seats hereinbefore distributed, it is expedient that certain boroughs in England having small populations should cease to return members to serve in Parliament: Be it therefore enacted, that from and after the end of this present Parliament, the boroughs of Arundel, Ash-barton, Dartmouth, Honiton, Lyme Regis, Thetford, and Wells shall respectively cease to return any member to serve in Parliament."



## FAIRS ACT.

31 &amp; 32 VICT. CAP. 51.

Sect.

## SUMMARY.

Preamble.

1. Short title.
2. Interpretation.
3. Secretary of State to have power to alter days for holding fairs, on representation made to him—Notice of representation to be published in certain newspapers.
4. Order of Secretary of State to be published in certain newspapers—All rights, &c., of owner to remain good.

## THE STATUTE.

*An Act to amend the Law relating to Fairs in England and Wales.*<sup>(1)</sup>—[18th July, 1868.]

Whereas it is expedient to make provision to facilitate the alteration of the days upon which fairs are now held in England and Wales: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Short title.*—This act may be cited as "The Fairs Act, 1868."

2. *Interpretation.*—In this act the term "owner" means any person or persons, or body of commissioners or body corporate, entitled to hold any fair, whether in respect of the ownership of any lands or tenements, or under a charter, letters patent, or act of Parliament, or otherwise howsoever.

3. *Secretary of State to have power to alter days for holding fairs on representation made to him*—Notice of representation to be published in certain newspapers.—In case it shall appear to the Secretary of State for the Home Department, upon representation duly made to him by the magistrates of any petty sessional district within which any fair is held, or by the owner of any fair in England or Wales, that it would be for the convenience and advantage of the public that any such fair shall be held in each

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<sup>(1)</sup> By a subsequent statute (see *post*, cap. 106), power is given to a magistrate to declare unlawful any fair held within the limits of the metropolitan police district on ground other than that on which a fair has been holden for seven years preceding.

year on some day or days other than that or those on which such fair is used to be held, it shall be lawful for the said Secretary of State for the Home Department to order that such fair shall be held on such other day or days as he shall think fit: Provided always that notice of such representation, and of the time when it shall please the Secretary of State for the Home Department to take the same into consideration, shall be published once in the *London Gazette* and in three successive weeks in some one and the same newspaper published in the county, city, or borough in which such fair is held, or if there be no newspaper published therein, then in the newspaper of some county adjoining or near thereto, before such representation is so considered.

4. *Order of Secretary of State to be published in certain newspapers—All rights, &c., of owner to remain good.*—When and so soon as any such order as aforesaid shall have been made by the Secretary of State for the Home Department, notice of the making of the same shall be published in the *London Gazette* and in some one newspaper of the county, city, or borough in which such fair is usually held, or if there be no newspaper published therein, then in the newspaper of some county adjoining or near thereto, and thereupon such fair shall only be held on the day or days or at the place mentioned in such order; and it shall be lawful for the owner of such fair to take all such toll or tolls, and to do all such act or acts, and to enjoy all and the same rights, powers, and privileges in respect thereof, and enforce the same by all and the like remedies, as if the same were held on the day or days upon which or at the place at which it was used to be held previous to the making of such order.

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## VAGRANT ACT AMENDMENT ACT.

31 & 32 VICT. CAP. 52.

Sect.

### SUMMARY.

Preamble—5 Geo. 4, c. 88.

1. Short title.
2. Construction of acts.
3. Extending provisions to gaming with coin, &c.
4. Commencement of act.

## THE STATUTE.

*An Act to amend the Act for punishing idle and disorderly Persons, and Rogues and Vagabonds, so far as, relates to the Use of Instruments of Gaming.*—[13th July, 1868.]

5 Geo. 4, c. 83.—Whereas it is expedient to amend an act passed in the fifth year of the reign of his Majesty King George the Fourth, chapter eighty-three, intituled "An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that Part of Great Britain called England:" Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. *Short title.*—This act may be cited for all purposes as "The Vagrant Act Amendment Act, 1868."

2. *Construction of acts.*—This act and the recited act shall be construed as one act.

3. *Extending provisions to gaming with coin, &c.*—Every person playing or betting by way of wagering or gaming in any street, road, highway, or other open and public place, or in any place to which the public have or are permitted to have access, at or with any table or instrument of gaming, or any coin<sup>(1)</sup>, card, token, or other article used as an instrument or means of such wagering on gaming at any game or pretended game of chance, shall be deemed a rogue and vagabond within the true intent and meaning of the recited act, and as such may be convicted and punished under the provisions of that act.

4. *Commencement of act.*—This act shall commence and take effect on and after the first day of October, one thousand eight hundred and sixty-eight.

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(1) In *Watson v. Martin* (34 L. J. M. C. 50), the Court of Queen's Bench held that halfpence were not instruments of gaming within the meaning of the 5 Geo. 4, c. 83, s. 4, and that therefore tossing halfpence and betting money on heads and tails, though in a public street, was not an offence under that act. This present act amends that, so that cards or coin are made instruments of gaming, by using which in any street at a game of chance a person may be punished as a rogue and vagabond under the Vagrant Act.

## MEDWAY REGULATION CONTINUANCE ACT.

31 &amp; 32 VICT. CAP. 53.

Sect.

SUMMARY.

Preamble.

1. Short title.
2. Continuance of 2 Geo. 2, c. 19.

## THE STATUTE.

*An Act to continue in Force an Act of the Second Year of King George the Second, Chapter Nineteen, for the better Regulation of the Oyster Fishery in the River Medway.*—[13th July, 1868.]

Whereas an act of the second year of King George the Second, chapter nineteen, intituled "An Act for well ordering, governing, and improving the Oyster Fishery, in the River Medway and Waters thereof, under the Authority of the Mayor and Citizens of the City of Rochester in the County of Kent," was by inadvertence included in the second schedule to the Sea Fisheries Act, 1868, and thereby repealed; and it is expedient that the same should continue in force: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Short title.*—This act may be cited as "The Medway Regulation Continuance Act, 1868."

2. *Continuance of 2 Geo. 2, c. 19.*—The said act of the second year of King George the Second shall continue and be deemed always to have continued in force, and so much of "The Sea Fisheries Act, 1868," as repeals the same is hereby repealed.

## JUDGMENTS EXTENSION ACT.

31 &amp; 32 VICT. CAP. 54.

Sect.

SUMMARY.

1. Where judgment has been obtained in the courts at Westminster, a certificate thereof registered in Ireland, and *vice versa*, shall have the effect of a judgment of the court in which it is so registered.

2. Where judgment has been obtained in the courts at Westminster or at Dublin, a certificate thereof registered in Scotland shall have the effect of a decree of the Court of Session.
3. Where decretet has been obtained in the Court of Session, a certificate of an extract thereof registered in England or Ireland shall have the effect of a judgment of the court in which it is so registered.
4. Courts herein named to have control over registered judgments or decreets in so far as relates to execution.
5. No security for costs where plaintiff resides in a different part of the kingdom.
6. Costs not to be allowed in actions on judgments unless by order of court.
7. Judges to make rules for execution of this act.
8. Act not to apply to certain decreets.
9. Short title.  
Schedule.

#### INTRODUCTION.

This act, as explained by its title, makes a judgment of one of the Superior Courts of England, Scotland, or Ireland, as effectual in either of the other parts of the United Kingdom, as if the judgment had been originally obtained there.

This is a very desirable improvement, and instead of a judgment creditor being obliged, as hitherto, to bring a fresh action on the judgment, in order to obtain another judgment in that part of the kingdom to which the debtor may have gone, or in which he may have property, he will only have to register it there, and it will then have the effect of a judgment of the court of that portion of the kingdom, and he will be entitled at once to issue execution upon it.

This act comes into operation from the date of its passing, but until the rules and scale of fees have been made, which the judges are empowered to frame, it cannot be put into execution.

#### THE STATUTE.

*An Act to render Judgments or Decrets obtained in certain Courts in England, Scotland, and Ireland respectively effectual in any other Part of the United Kingdom.*—[13th July, 1868.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Where judgment has been obtained in the courts at Westminster, a certificate thereof registered in Ireland, and vice versâ, shall have the effect of a judgment of the court in which it is so registered.*—Where judgment shall hereafter be obtained or entered up in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster or Dublin respectively for any debt, damages, or costs, on production to the master of the Court of Common Pleas at Dublin where such judgment shall have been obtained or entered up in any of the said courts in England, or to the senior master of the Court of Common Pleas at Westminster where such judgment shall have been obtained or entered up in any of the said courts in Ireland, of a certificate of such judgment in one of the forms contained in the schedule hereto annexed, as the case may be, purporting to be signed by the proper officer of the court where such judgment has been obtained or entered up, such certificate shall be registered by such master in a register to be kept in the Court of Common Pleas at Dublin and at Westminster respectively for that purpose, and to be called in the Court of Common Pleas at Dublin "The Register for English Judgments," and to be called in the Court of Common Pleas at Westminster "The Register for Irish Judgments," and shall from the date of such registration be of the same force and effect, and all proceedings shall and may be had and taken on such certificate, as if the judgment of which it is a certificate had been a judgment originally obtained or entered up on the date of such registration as aforesaid in the court in which it is so registered, and all the reasonable costs and charges attendant upon the obtaining and registering such certificate shall be recovered in like manner as if the same were part of the original judgment: (1) Provided always, that no certificate of any such judgment shall be registered as aforesaid more than twelve months after the date of such judgment, unless application shall have been first made to and leave obtained from the

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(1) A scale of fees is to be framed, and the judges are also to make rules for regulating the practice under this act: (see *post*, sect. 7.) These, of course, will provide for the amount to be allowed for obtaining and registering this certificate. They will also provide the mode of their recovery, as otherwise the execution would have to be limited to the amount for which the judgment had been signed.

court or a judge of the court in which it is sought so to register such certificate.

2. *Where judgment has been obtained in the courts at Westminster or at Dublin, a certificate thereof registered in Scotland shall have the effect of a decret of the Court of Session.*—Where judgment shall hereafter be obtained or entered up in any of the Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster or Dublin respectively for any debt, damages, or costs, on production at the office kept in Edinburgh for the registration of deeds, bonds, protests, and other writs registered in the books of council and session of a certificate of such judgment in one of the forms contained in the schedule hereto annexed, as the case may be, purporting to be signed by the proper officer of the court where such judgment has been obtained or entered up, such certificate shall be registered in a book to be kept for that purpose, and to be called "The Register for English and Irish Judgments," in like manner as a bond executed according to the law of Scotland, with a clause of registration for execution therein contained; and every certificate so registered shall from the date of such registration be of the same force and effect as a decret of the Court of Session, and all proceedings shall and may be had and taken on an extract of such certificate as if the judgment of which it is a certificate had been a decret originally pronounced in the Court of Session on the date of such registration as aforesaid, and all the reasonable costs, charges, and expenses attendant upon the obtaining and registering such certificate shall be recovered in like manner as if the same were part of the original judgment: Provided always, that no certificate of any such judgment shall be registered as aforesaid more than twelve months after the date of such judgment, unless application shall have been first made to and leave obtained from the Lord Ordinary on the bills.

3. *Where decret has been obtained in the Court of Session, a certificate of an extract thereof registered in England or Ireland shall have the effect of a judgment of the court in which it is so registered.*—On production to the senior master of the Court of Common Pleas at Westminster, or to the master of the Court of Common Pleas at Dublin, of the certificate in one of the forms contained in the schedule hereto annexed, as the case may be, of

any extracted decret of the Court of Session in Scotland which shall hereafter be obtained for the payment of any debt, damages, or expenses purporting to be signed by the extractor of the Court of Session, or other officer duly authorised to make and subscribe extracts, or on production of the certificate of an extracted decret of registration in the books of council and session purporting to be signed by the keeper of the register of deeds, bonds, protests, and other writs registered for execution in the books of council and session which shall hereafter be obtained for the payment of any debt, damages, or expenses, such certificate shall be registered by such master in a register to be kept in the Court of Common Pleas at Westminster and Dublin respectively for that purpose, and to be called "The Register for Scotch Judgments," and such certificate when so registered shall from the date of such registration be of the same force and effect as a judgment obtained or entered up in the court in which it is so registered, and all proceedings shall and may be had and taken on such certificate as if the decret of which it is a certificate had been a judgment originally obtained or entered up on the date of such registration as aforesaid in the court in which it is so registered, and all the reasonable costs, charges, and expenses attendant upon the obtaining and registering such certificate shall be recovered in like manner as if the same were part of the decret of which it is a certificate: Provided always, that no certificate shall be registered as aforesaid more than twelve months after the date of such decret, unless application shall have been first made to and leave obtained from the court or a judge of the court in which it is sought so to register such certificate; provided that where a note of suspension of any such decret shall have been passed or a sist of execution shall have been granted thereon by the said Court of Session or any judge thereof, on the production of a certificate under the hand of the clerk to the bill chamber of the Court of Session of the passing of such note or the granting of such sist to a judge of the court in which such certificate of such decret has been registered, execution on such registered certificate shall be stayed until a certificate be produced under the hand of the said clerk that such sist has been recalled or has expired, or, where the note of suspension has been passed, until there be produced an extract, under the hand of the extractor of the Court of Session or other officer duly authorised



to make and subscribe extracts, of a decret of the said court repelling the reasons of suspension.

4. *Courts herein named to have control over registered judgments or decreets in so far as relates to execution.*—The Court of Common Pleas at Westminster and at Dublin and the Court of Session in Scotland shall have and exercise the same control and jurisdiction over any judgment or decret, and over any certificate of such judgment or decret, registered under this act in such courts respectively as they now have and exercise over any judgment or decret in their own court, but in so far only as relates to execution under this act.

5. *No security for costs where plaintiff resides in a different part of the kingdom.*—It shall not be necessary for any plaintiff in any of the aforesaid courts in England resident in Ireland or Scotland, or any plaintiff in any of the aforesaid courts in Ireland resident in England or Scotland, in any proceeding had and taken on such certificate, to find security for costs in respect of such residence, unless, on special grounds, a judge or the court shall otherwise order; nor shall it be necessary for any party to such proceeding in Scotland, resident in England or Ireland, to sist a mandatory, or otherwise to find security for expenses in respect of such residence, unless, on special grounds, the court shall otherwise order.

6. *Costs not to be allowed in actions on judgments unless by order of court.*—In any action brought in any court in England, Scotland, or Ireland on any judgment or decret which might be registered under this act in the country in which such action is brought, the party bringing such action shall not recover or be entitled to any costs or expenses of suit unless the court in which such action shall be brought, or some judge of the same court, shall otherwise order.

7. *Judges to make rules for execution of this act.*—It shall be lawful for the judges of the Court of Queen's Bench, Common Pleas, and Exchequer at Westminster and Dublin respectively, or any eight or more of them respectively, of whom the chiefs of the said courts respectively shall be three, and they are hereby required, from time to time, to make all such general rules and orders to regulate the practice to be observed in the execution of this act, or in any matter relating thereto, including the scale of fees to be charged, in the courts of common law in England and

Ireland respectively, as they may deem to be necessary and proper; and it shall be lawful for the Court of Session in Scotland, and the said court is hereby required, from time to time to make such acts of sederunt to regulate the practice to be observed in the execution of this act, or in any matter relating thereto, including the scale of fees to be charged in Scotland, as such court may deem to be necessary and proper: Provided always, that such rules, orders, and acts of sederunt respectively shall be laid before both Houses of Parliament within one month from the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within one month from the commencement of the then next session of Parliament.

8. *Act not to apply to certain decreets.*—This act shall not apply to any decret, pronounced in absence in an action proceeding on an arrestment used to found jurisdiction in Scotland.

9. *Short title.*—In citing this act in any instrument, document, or proceeding it shall be sufficient to use the expression "The Judgments Extension Act, 1868."

#### SCHEDULE.

CERTIFICATE ISSUED IN TERMS OF "THE JUDGMENTS EXTENSION ACT, 1868."

##### FORM I.

*Where Party applying is Plaintiff or Pursuer.*

I, \_\_\_\_\_ certify that [here state name, title, trade or profession, and usual or last known place of abode of plaintiff or pursuer] on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ obtained judgment against [here state name and title, trade or profession, and usual or last known place of abode of defendant] before the court of \_\_\_\_\_ for payment of the sum of \_\_\_\_\_ on account of [state shortly nature of claim or ground of action, with the sum of costs, if any, and in case of a judgment obtained in an action state whether it was obtained after appearance made by the defendant or after service (personal or otherwise) of the action on the defendant, as the case may be.]

(Signed by the proper Officer of the Court  
from which the certificate issues.)

##### FORM II.

*Where Party applying is Defendant or Defender.*

I, \_\_\_\_\_ certify that [here state name, title, trade or profession, and usual or last known place of abode of defendant or defender] on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, obtained judgment against

H

[*state, name, title, trade or profession, and usual or last known place of abode of plaintiff or pursuer*] before the court of                      for judgment of the sum of £                      as costs of suit.

(Signed by the proper Officer of the Court  
from which the certificate issues.)

*Minute of presentation to be appended to either form.*

Presented for registration in terms of "The Judgments Extension Act, 1868."

Signature of (*Attorney, Law Agent, or  
Creditor*) presenting for registration.

### 31 & 32 VICT. CAP. 55.

*An Act to provide for the Collection by means of Stamps of Fees payable in the Supreme and Inferior Courts of Law in Scotland, and in the Offices belonging thereto; and for other Purposes relative thereto.*—[13th July, 1868.]

## PETROLEUM ACT AMENDMENT ACT.

### 31 & 32 VICT. CAP. 56.

Sect.

#### SUMMARY.

Preamble.

1. Short title.

2. Act to be construed with 25 & 26 Vict. c. 66.

3. Definition of "petroleum."

4. Sect. 3 of 25 & 26 Vict. c. 66 repealed—Regulations as to stowage of petroleum.

5. Prohibition of sale of petroleum for purpose of illumination.

6. Inspector of weights, &c., may test petroleum.

7. Trial of offences under Petroleum Acts, 1862 and 1868.

8. Mode of testing petroleum.

Schedule.

#### THE STATUTE.

*An Act to amend the Act Twenty-fifth and Twenty-sixth Victoria, Chapter Sixty-six, for the safe keeping of Petroleum.*—[13th July, 1868.]

Whereas it is expedient to make further provisions for the safe keeping of petroleum and other substances of like nature: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Short title.*—This act may be cited for all purposes as “The Petroleum Act, 1868.”

2. *Act to be construed with 25 & 26 Vict. c. 66.*—This act, so far as is consistent with the tenor thereof, shall be read as one with the act of the session holden in the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter sixty-six, intituled “An Act for the safe keeping of Petroleum,” and the said act may be cited for all purposes as “The Petroleum Act, 1862,” and this act and the said act may be cited together as “The Petroleum Acts, 1862, 1868.”

3. *Definition of “petroleum.”*—For the purposes of the Petroleum Acts, 1862, 1868, including all local acts and by-laws relating to petroleum or the produce thereof, “petroleum” shall include all such rock oil, Rangoon oil, Burmah oil, any product of them, and any oil made from petroleum, coal, schist, shale, peat, or other bituminous substance, and any product of them, as gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit’s thermometer.

4. *Sect. 3 of 25 & 26 Vict. c. 66, repealed — Regulations as to storage of petroleum.*—From and after the first day of February, one thousand eight hundred and sixty-nine, the third section of the Petroleum Act, 1862, shall be repealed; provided that such repeal shall not affect any liability or penalty incurred in respect of any offence committed before the passing of this act, or any legal remedy for enforcing or recovering such liability or penalty.

From and after the first day of February, one thousand eight hundred and sixty-nine, no petroleum shall be kept, otherwise than for private use, within fifty yards of a dwelling-house or of a building in which goods are stored, except in pursuance of a licence being given in accordance with the Petroleum Act, 1862.

There may be annexed to any such licence such conditions as to the mode of storage, as to the nature of the goods with which petroleum may be stored, as to the testing such petroleum from time to time, and generally as to the safe keeping of petroleum, as may seem expedient to the local authority.

Any petroleum kept in contravention of this section shall be forfeited, and in addition thereto the occupier of the place in which such petroleum is kept shall be liable to a penalty not exceeding twenty pounds a day for each day during which

petroleum is kept in contravention of the Petroleum Acts, 1862 and 1868, or either of such acts.

5. *Prohibition of sale of petroleum for purposes of illumination.*—No person shall sell or expose for sale for use within the United Kingdom any description of petroleum from and after the first day of February, one thousand eight hundred and sixty-nine, which gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer, unless the bottle or vessel containing such petroleum have attached thereto a label in legible characters stating as follows: "great care must be taken in bringing any light near to the contents of this vessel, as they give off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer." Any person acting in contravention of this section shall for each offence be subject to a penalty not exceeding five pounds.

6. *Inspector of weights, &c., may test petroleum.*—It shall be lawful for any inspector of weights and measures, or other person or persons duly appointed to inspect weights and measures under the act twenty-second and twenty-third Victoria, chapter fifty-six, and the acts therein recited, at all reasonable times to inspect and test all petroleum kept, offered, or exposed for sale; and if upon such inspection and test any description of petroleum shall be found kept or offered, or exposed for sale as aforesaid contrary to the provisions of this act or of "The Petroleum Act, 1862," the same shall be liable to be seized and, upon conviction, forfeited, and such person so examining the same shall retain a sample thereof, and the person or persons so offending shall be liable for any such offence to any penalty not exceeding five pounds: Provided always, that if the person or persons in whose possession such petroleum shall be found as aforesaid shall claim to have a further test made on their behalf, the magistrate before whom complaint of the said offence may be laid shall call before him the public analyst provided by the second section of the act twenty-third and twenty-fourth Victoria, chapter eighty-four, or, if no such analyst has been provided, some other person having competent chemical knowledge, who shall test a portion of the sample so retained as aforesaid in the manner hereinafter provided, and shall give evidence of the result of such test; and the magistrate shall

direct payment to be made to the analyst of a sum not less than two shillings and sixpence nor more than ten shillings and sixpence; and in case of conviction the person convicted shall pay the cost of such analysis, and in case of acquittal such cost shall be paid in the manner provided for the payment of expenses by section twelve of the said act of the twenty-third and twenty-fourth Victoria.

7. *Trial of offences under "Petroleum Acts, 1862 and 1868."*—All offences under "The Petroleum Acts, 1862, 1868," may be tried as police offences by any magistrate acting under any general or local police act, and all forfeitures and penalties incurred under "The Petroleum Acts, 1862, 1868," may be disposed of, recovered, and applied in the manner authorised by such general or local police act.

8. *Mode of testing petroleum.*—The temperature at which petroleum gives off an inflammable vapour shall, for the purposes of the Petroleum Acts, be tested in manner set forth in the schedule hereto.

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### SCHEDULE.

#### DIRECTIONS FOR APPLYING THE FLASHING TEST TO SAMPLES OF PETROLEUM OIL.

The vessel which is to hold the oil shall be of thin sheet iron; it shall be two inches deep and two inches wide at the opening, tapering slightly towards the bottom; it shall have a flat rim, with a raised edge one quarter of an inch high round the top; it shall be supported by this rim in a tin vessel four inches and a half deep and four inches and a half in diameter; it shall also have a thin wire stretched across the opening, which wire shall be so fixed to the edge of the vessel that it shall be a quarter of an inch above the surface of the flat rim. The thermometer to be used shall have a round bulb about half an inch in diameter, and is to be graduated upon the scale of Fahrenheit, every ten degrees occupying not less than half an inch upon the scale.

The inner vessel shall be filled with the petroleum to be tested, but care must be taken that the liquid does not cover the flat rim. The outer vessel shall be filled with cold, or nearly cold, water; a small flame shall be applied to the bottom of the outer vessel, and the thermometer shall be inserted into the oil so that the bulb shall be immersed about one and a half inches beneath the surface. A screen of pasteboard or wood shall be placed round the apparatus, and shall be of such dimensions as to surround it about two-thirds, and to reach several inches above the level of the vessels.

When heat has been applied to the water until the thermometer has risen to about 90° Fahrenheit, a very small flame shall be quickly passed across the surface of the oil on a level with the wire. If no pale blue flicker or flash is produced, the application of the flame is to be repeated for every rise of two or three degrees in the thermometer. When the flashing point has been noted, the test shall be repeated with a fresh sample of the oil, using cold, or nearly cold, water, as before; withdrawing the source of heat from the outer vessel when the temperature approaches that noted in the first experiment, and applying the flame test at every rise of two degrees in the thermometer.

31 & 32 VICT. CAP. 57.

*An Act to make Provision for the Appointment of Members of the Legislative Council of New Zealand, and to remove Doubts in respect of past Appointments:—*[13th July, 1868.]

REGISTRATION ACT.

31 & 32 Vict. CAP. 58.

Sect.

SUMMARY.

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2. This and principal act construed as one.
3. Application of act.

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*Provisions as to Registration in the Year 1868.*

4. Number of revising barristers to be appointed for 1868.
5. Additional barristers, how to be appointed.
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7. Revision of lists in boroughs.
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17. Amendment of sect. 30 of 30 & 31 Vict. c. 102.
18. Amendment of sect. 34 of 30 & 31 Vict. c. 102.
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29. Power of revising barrister to summon overseers, &c.—6 Vict. c. 18, ss. 34, 35.
30. Application of certain rating sections to counties.
31. Expenses of overseers and relieving officers.
32. Certificate of revising barrister to be conclusive.
33. Provision as to returning officer in case of parliamentary borough becoming a municipal borough.
34. Provision as to issue of precepts, &c., in case of altered or disfranchised boroughs.
35. Provision to officers in case of altered boundaries of counties and boroughs.
36. Provision with respect to boroughs disfranchised by Scotch Representation of the People Act.
37. Copies of registers to be transmitted to Secretary of State.

## INTRODUCTION.

Half the provisions of the present act are only temporary and relate entirely to the completing the registration of voters during the present year, so that the revised lists of voters for England and Wales may be delivered to the sheriff or returning officer by the 1st of November next. The object is, that a new Parliament under the new constituencies may be assembled



early next December. For this purpose the staff of revising barristers for the present year is increased by about half the usual number, the revision is to be completed by the 8th of October next instead of the 31st as heretofore, and the time for signing and delivering the revised lists to the sheriff or returning officer, as the case may be, is shortened by about a month. The rest of the act, which is of a permanent nature, contains some necessary amendments, chiefly in "The Representation of the People Act, 1867," as to the county 12*l.* occupation vote.

#### THE STATUTE.

*An Act to amend the Law of Registration so far as relates to 'he Year One thousand eight hundred and sixty-eight, and for other Purposes relating thereto.—[16th July, 1868.]*

Whereas it is expedient to make provision for expediting the completion of the registration of parliamentary electors during the present year, and to make certain amendments in the law relating to elections: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

#### *Preliminary.*

Sect. 1. *Definition of "Principal Act"* (6 & 7 Vict. c. 18).—"Principal Act" in this act shall mean the act passed in the session of the sixth and seventh years of the reign of Her present Majesty, chapter eighteen, intituled "An Act to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of Voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for England and Wales," as amended by "The County Voters Registration Act, 1865."<sup>(1)</sup>

2. *This and principal act construed as one.*—This act shall be construed as one with the principal act, and may be cited for all purposes as "The Parliamentary Electors Registration Act, 1868."

3. *Application of act.*—This act shall not apply to Scotland or Ireland, except that so much thereof as relates to the time to be appointed for the first meeting of Parliament after the dissolution

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(<sup>1</sup>) This is 28 Vict. c. 36 : (see Pract. Stats. 1865, p. 36.)

thereof shall apply both to Scotland and Ireland, and that so much thereof as relates to an election for the county of Orkney and Shetland shall apply to Scotland.

## PART I.

### *Provisions as to Registration in the Year 1868.*

4. *Number of revising barristers to be appointed for 1868.*—The number of revising barristers to be appointed in the year one thousand eight hundred and sixty-eight, in pursuance of the twenty-eighth section of the principal act, may be as follows; that is to say,

For the county of Middlesex, and for the City of London, the city of Westminster, and the boroughs in the county of Middlesex	...	...	...	...	...	6
For the counties, cities, boroughs, and places within the Home Circuit	...	...	...	...	...	15
For the counties, cities, boroughs, and places within the Western Circuit	...	...	...	...	...	21
For the counties, cities, boroughs, and places within the Oxford Circuit	...	...	...	...	...	18
For the counties, cities, boroughs, and places within the Midland Circuit	...	...	...	...	...	20
For the counties, cities, boroughs, and places within the Norfolk Circuit	...	...	...	...	...	15
For the counties, cities, boroughs, and places within the Northern Circuit	...	...	...	...	...	20
For the counties, cities, boroughs, and places within the North Wales Circuit	...	...	...	...	...	8
For the counties, cities, boroughs, and places within the South Wales Circuit	...	...	...	...	...	9

5. *Additional barristers how to be appointed.*—The power of appointing additional revising barristers in pursuance of section twenty-nine of the principal act shall, in the case of any event in which the said power arises<sup>(2)</sup> occurring after the 5th day of

(2) The power to appoint under the 29th section of 6 & 7 Vict. c. 18, is by that section to be exercised when it appears to the judge in whom such power is vested, "that by reason of the death, illness, or absence of any such barrister or barristers, or by reason of the insufficiency of the number of such barristers, or from any other cause such list cannot be revised within the period directed" by that act, which was between the 15th of September and the last

September, in the year one thousand eight hundred and sixty-eight, be exercised by any judge of Her Majesty's Superior Courts of common law at Westminster, sitting in chambers, on the like representations being made to him as would justify an appointment under the said section.

6. *Revision of lists in counties.*—The following provisions shall be enacted with respect to the revision of the lists and completion of the register of voters in counties in the year one thousand eight hundred and sixty-eight:

1. The lists of voters for each county shall be revised by the barrister or barristers appointed to revise the same between the fourteenth day of September inclusive and the eighth day of October inclusive,<sup>(3)</sup> and the barrister appointed to revise the lists shall, seven days<sup>(4)</sup> at the least before holding any court of revision, give notice to the clerk of the peace of the time and place at which such court will be holden, and of the several parishes and townships the lists of and for which will be revised at such court, which last-mentioned lists are hereinafter referred to as the parochial lists.
2. The revising barrister shall, if practicable, complete the revision of the lists of one polling district before proceeding to revise the lists of another polling district.

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day of October inclusive. That time was altered by 28th Vict. c. 36, s. 12, as regards the commencement of the revision of county lists to the 20th of September, such 12th section prohibiting the holding of a court for the revision of such lists before the 20th of September in any year. The revision for the present year is by sects. 6 and 7 of this act to be between the 14th of September inclusive, and the 8th of October inclusive, a much shorter time than previously limited for that purpose; and it may well be that without the appointment of additional barristers the lists cannot in some places be revised within the period directed by this act, although it may be possible to revise them within the time limited by 6 & 7 Vict. c. 18. Can the power of appointment then be exercised? The intention evidently is that it shall be, but the language of the enactment is against its exercise except when it appears that the lists cannot be revised within the period directed by 6 & 7 Vict. c. 18.

(3) By 6 & 7 Vict. c. 18, s. 32, as amended by 28 Vict. c. 36, s. 12, the time for the revision of lists in counties was from the 20th of September to the 31st of October.

(4) This is in lieu of ten days before the holding of the first court, and makes the time of notice similar to what it always was in the case of boroughs.

3. The revising barrister, on completing the revision of the lists of any polling district, shall forthwith transmit the same to the clerk of the peace of the county in which the district is situate.
4. The clerk of the peace shall keep the original lists amongst the records of the session, but shall, as soon as possible after the receipt thereof, cause copies of such lists to be printed, with the names in each parish or township in the district arranged in alphabetical order, and numbered consecutively throughout the whole of the lists belonging to the polling district, beginning in each polling district with the number one.
5. The clerk of the peace shall, as soon as possible after the receipt of all the revised lists of his county, cause to be made out and printed a separate supplemental list for each polling district, containing in alphabetical order the names of all persons whose names do not appear in any of the parochial lists of such district, but who have been registered by the revising barrister to vote at the polling place of such district; and such supplemental list shall be placed at the end of the parochial lists of each polling district.
6. All the lists of a county, including the said supplemental lists, shall be printed uniformly, and shall be capable of forming one book, or of being detached each list by itself, so that the list of any parish or township, or all the lists of any polling district or polling districts, may be had separately.
7. The clerk of the peace shall, on or before the first day of November, one thousand eight hundred and sixty-eight, sign a printed copy of every parochial list and supplemental list as aforesaid belonging to the several polling districts in his county, and deliver the book containing such lists, arranged according to the alphabetical order of the polling districts, to the sheriff of the county, to be by him and his successors in office safely kept;<sup>(\*)</sup> and such

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(\*) This accelerates the time from the 30th to the 1st day of November, within which the clerk of the peace is to sign and deliver the book of county voters to the sheriff. The signing and delivery by the clerk of the peace by the time specified is not a

book shall be the register of persons entitled to vote at any election of a member or members to serve in Parliament which may take place in and for the same county between the first day of November, one thousand eight hundred and sixty-eight, and the first day of January one thousand eight hundred and seventy.

7. *Revision of lists in boroughs.*—The following provisions shall be enacted with respect to the revision of the lists and completion of the register of voters in cities and boroughs in the year one thousand eight hundred and sixty-eight:

1. The revision of the lists of voters for a city or borough for the year one thousand eight hundred and sixty-eight shall be begun and completed in the same interval, and, so far as is convenient, in the same manner, as is in this act provided with respect to the list of voters for a county, but it shall be lawful for the revising barrister to conduct the revision by parishes, townships, polling districts, or otherwise as he thinks will most conduce to dispatch, and to send to the town clerk from time to time such parts of the revised lists as he thinks convenient.

8. *Delivery of lists to returning officer.*—The town clerk of every city or borough returning a member or members to serve in Parliament shall, on or before the first day of November, one thousand eight hundred and sixty-eight, sign and deliver the printed book containing all the lists of the voters in his city or borough to the returning officer of such city or borough, to be by him and his successors, as returning officer, safely kept,<sup>(e)</sup> and such book shall be the register of persons entitled to vote at any election of a member or members to serve in Parliament which may take place in and for the said city or borough between

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condition precedent to the validity of the register, though it is a duty which the clerk of the peace is bound to perform. It was, therefore held, in *Brumfit, app., v. Bremner*, resp. (9 C. B. (N.S.) 1; S. C. 80 L. J. C. P. 83), that although by sect. 47 of 6 & 7 Vict. c. 18, the delivery by the clerk of the peace to the sheriff is required to be before the last day of November, a failure in this respect did not invalidate the register.

<sup>(e)</sup> This accelerates the time from the 80th to the 1st of November, within which the town clerk is to sign and deliver the book of borough voters to the returning officer of such borough in like manner as the time has been accelerated by sect. 6 for the delivery of the list of county voters.

the first day of November, one thousand eight hundred and sixty-eight, and the first day of January, one thousand eight hundred and seventy.

9. *Extension in certain cases of time for making claims to vote for county members.*—Where, by reason of the disfranchisement or the alteration of the boundaries of any borough during the present session of Parliament<sup>(7)</sup>, any person who would not otherwise be so entitled becomes entitled to vote for the member or members to serve in Parliament for any county, the time for making a claim shall in such case in this present year extend to the twenty-fifth instead of the twentieth of July.

10. *Sect. 60 of 30 & 31 Vict. c. 102 to be construed as herein stated.*—Whereas it is provided by the sixtieth section of "The Representation of the People Act, 1867," that "notwithstanding anything in this act contained, in the event of a vacancy in the representation of any constituency or of a dissolution of Parliament taking place, and a writ or writs being issued before the first day of January, one thousand eight hundred and sixty-nine, for the election of members to serve in the present or any new Parliament, each election shall take place in the same manner in all respects, as if no alteration had been made by this act in the franchises of electors, or in the places authorised to return a member or members to serve in Parliament, with this exception, that the boroughs by this act disfranchised shall not be entitled to return members to serve in any such new Parliament:" Be it enacted, that the said section shall be construed as if the words "the first day of November, one thousand eight hundred and sixty-eight" were substituted for the words "the first day of January, one thousand eight hundred and sixty-nine."

11. *Shortening time for assembling Parliament.*—If the next dissolution of Parliament take place in the year one thousand eight hundred and sixty-eight, the time to be appointed for the first Parliament of the United Kingdom of Great Britain and

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(7) By 30 & 31 Vict. c. 102, s. 12, the boroughs of Totnes, Reigate, Yarmouth, and Lancaster, and by sect. 43 of cap. 48 of the statutes of this year (*ante* p. 135, note), the boroughs of Arundel, Ashburton, Dartmouth, Honiton, Lyme Regis, Thetford and Wells, are respectively to cease to return any member to Parliament. As to the act altering the boundaries of boroughs, see *ante*, cap. 46.

Ireland, after such dissolution, may be any time not less than twenty-eight days after the date of such proclamation, any act, law, or usage to the contrary notwithstanding.

12. *Saving of Registration Acts.*—The forty-seventh and forty-eighth sections of the principal act, and so much of the forty-ninth section of the principal act as relates to the time during which the register is to be in force, and all other provisions of any act of Parliament inconsistent with the provisions hereinbefore contained, shall not apply to the lists or register of voters to be made in the year one thousand eight hundred and sixty-eight; but, save as aforesaid, all the provisions of the acts relating to the registration of parliamentary voters shall remain in full force.

13. *Provision as to return of member for Orkney.*—Section thirty-one of the act of second and third William Fourth, chapter sixty-five, shall not apply to any election which may take place for the county of Orkney, in the year one thousand eight hundred and sixty-eight, and in place thereof, so far as respects such election, the following provisions shall be substituted; that is to say, "The sheriff of Orkney to whom the writ for the election of a member for the county of Orkney and Shetland shall be addressed at Kirkwall, shall within twenty-four hours after receiving the same, issue a precept to the sheriff substitute in Shetland, fixing a day for the election for the said county, which day shall not be less than eight nor more than twelve days after that on which the writ was received, and shall forward or transmit the said precept with the least possible delay, directly to the said sheriff substitute in Shetland, who immediately on receipt thereof shall announce the day of election by notices on the church doors; and if on the day of election more candidates than one shall be put in nomination, and a poll shall be demanded, the sheriff shall then fix a convenient day for such election, not being less than six nor more than ten days after the day of nomination, and shall forthwith dispatch notice of such day to the sheriff substitute of Shetland, and the polling shall be held accordingly on the day so fixed, and continue during the time permitted by law."

14. *Provision in case of parish severed by the Boundary Act from its proper polling district.*—Where any parish or township is in consequence of the provisions of any act passed during the

present session of Parliament<sup>(\*)</sup> placed for parliamentary purposes in a different division of a county from that in which it was previously situate, or where for any reason a doubt exists as to the polling district to which any parish or township belongs, the clerk of the peace of the county in which such parish or township is situate may for the purposes of revision of the list of voters during the present year, and also (subject to any alteration that may be made by the authority having power to alter polling districts) for the purpose of voting at an election during the present year, annex such parish or township to such polling district as he may think most convenient.

Where a parish or township has been annexed to any polling district in pursuance of this section, the clerk of the peace shall give notice to the overseers of such parish or township of the polling district to which the same is annexed, and of the polling place at which the voters of such parish or township are to poll.

## PART II.

### AMENDMENT OF LAW AS TO REGISTRATION.

#### *Alteration of Times.*

15. *Amendment of 16 & 17 Vict. c. 68, s. 2, as to elections in counties.*—Whereas by the act of the session of the sixteenth and seventeenth years of the reign of Her present Majesty, chapter sixty-eight, section two, it is enacted, “that after the passing of that act any such special court as is therein mentioned for the purpose of the election of a knight or knights to serve in Parliament for any county, riding, parts, or division of any county, in England or Wales, shall be holden on any day (Sunday, Good Friday, and Christmas Day excepted) not later from the day of making the proclamation than the 12th day nor sooner than the sixth day:” Be it enacted, that the said section shall be construed as if the words fourth day were substituted for sixth day.

16. *Amendment of act of 5 & 6 Will. 4, c. 36, s. 2, as to time of polling in the Welsh contributory boroughs.*—Whereas by the act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter thirty-six, section two, it is enacted, “that at every contested election of a member or

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(\*) See *ante*, cap. 46.



members to serve in Parliament for any city, borough, or town, or county of a city or county of a town, the polling shall commence at eight of the clock in the forenoon of the day next following the day fixed for the election, and the polling shall continue during such one day only, and no poll shall be kept open later than four of the clock in the afternoon: Provided always, that when such day next following the day fixed for the election shall be Sunday, Good Friday, or Christmas Day, then in the case it be Sunday the poll shall be on the Monday next following, and in the case it be Good Friday then on the Saturday next following, and in the case it be Christmas Day then on the next following day, if the same shall not be Sunday, and if it be Sunday on the next following Monday;" and whereas a longer time is required in the case of the said contributory boroughs in Wales specified in the said Schedule marked (E.) annexed to the said act of the session of the second year of King William the Fourth, chapter forty-five: Be it enacted, that the said recited section shall be repealed so far as respects the said contributory boroughs, and in lieu thereof be it enacted, that at every contested election of a member or members to serve in Parliament for any of the said contributory boroughs the polling shall commence at eight of the clock of the forenoon of the first or second day next following the day fixed for the election, and the polling shall continue during one such day only, and no poll shall be kept open later than four of the clock in the afternoon: Provided always, that Sunday, Good Friday, or Christmas Day shall not, for the purposes of this section, be reckoned as a day.

*Amendment of "The Representation of the People Act, 1867."*

17. *Amendment of sect. 30 of 30 & 31 Vict. c. 102.*—Whereas by the first enactment contained in the thirtieth section of "The Representation of the People Act, 1867," it is enacted, that "the overseers of every parish or township shall make out or cause to be made out a list of all persons on whom a right to vote for a county in respect of the occupation of premises is conferred by this act, in the same manner and subject to the same regulations, as nearly as circumstances admit, in and subject to which the overseers of parishes and townships in boroughs are required by the Registration Acts to make out or cause to

be made out a list of all persons entitled to vote for a member or members for a borough in respect of the occupation of premises of a clear yearly value of not less than ten pounds:" And whereas by the fifty-ninth section of the same act it is further provided that the said "Representation of the People Act, 1867," so far as is consistent with the tenor thereof, shall be construed as one with the Registration Acts: and whereas doubts are entertained, notwithstanding the said provisions, whether the fifteenth section of the principal act, relating to the claims of persons omitted from borough lists of voters, or desirous of being registered in respect of a different qualification from that appearing in such lists, does or does not apply with the necessary variations to the rectification of the lists of county voters to be made in pursuance of the said enactment:"<sup>(\*)</sup> it is hereby declared, that the said fifteenth section of the principal act shall apply to the list of persons on whom a right to vote for a county in respect of the occupation of premises is conferred by "The Representation of the People Act, 1867," in the same manner as if the list of voters in the said fifteenth section referred to were the list of voters made in pursuance of the enactment contained in the thirtieth section of "The Representation of the People Act" instead of the list of voters for a city or borough as specified in the said fifteenth section.

18. *Amendment of sect. 34 of 30 & 31 Vict. c. 102.*—Where a municipal borough forms part of a parliamentary borough the town clerk of such municipal borough shall be deemed to be the town clerk within the meaning of the thirty-fourth section of "The Representation of the People Act, 1867," and the acts relating to registration.

The local authority within the meaning of the same section, in boroughs where the town council is not the local authority, shall be the justices of the peace of the petty sessional division

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(\*) By 30 & 31 Vict. c. 102, s. 6, a county occupation franchise is created, and the 30th section of that act, recited in this 17th section as above, provides for the making out by the overseers of the list of the voters on whom such franchise is conferred, but no provision is made for the sending in of the claims of those whose names have been omitted from such list. This is now remedied by this 17th section, which applies the 15th section of 6 & 7 Vict. c. 18, which relates to the claimants of borough votes, to the case of claimants of the new county occupation franchise.

in which such borough is situate, or if such borough be situate in or comprise more than one petty sessional division, then the justices in general or quarter sessions having jurisdiction over such borough or the greater part thereof in area.

The power of dividing their county into polling districts, and assigning to each district a polling place, vested in the justices of the peace by the said thirty-fourth section of "The Representation of the People Act, 1867," may be exercised by such justices from time to time, and as often as they think fit; and the said power of dividing a county into polling districts shall be deemed to include the power of altering any polling district or polling districts.

19. *Provision as to 12l. occupiers.*—In the lists and register of voters for a county the names of the persons in any parish or township on whom a right to vote for a county in respect of the occupation of premises in such parish or township is conferred by "The Representation of the People Act, 1867," shall appear in a separate list after the list of voters in such parish or township otherwise qualified, and such separate list shall be deemed to be part of the lists of county voters of such parish or township, and shall be annually made anew by the overseers of such parish or township, subject to this proviso, that the revising barrister shall erase from the separate list of such occupiers as aforesaid all persons who appear to him from the accompanying lists to be entitled to vote in the same polling district in respect of some other qualification to which no objection is made, except in cases where any person whose name is about to be erased object to the erasure, in which case such person shall be deemed to have given due notice of his claim to have his name inserted in the list of occupiers, and shall be dealt with accordingly.

20. *Amendment of law respecting the registration of lodgers.*—Notwithstanding anything contained in the thirtieth section of "The Representation of the People Act, 1867," and the thirty-eighth section of the principal act therein referred to, the names of the persons in any parish or township on whom a right to vote for a member or members to serve for any borough in respect of the occupation of lodgings is conferred by "The Representation of the People Act, 1867," shall, in the lists and register of voters for such boroughs, appear in a separate list.

21. *As to issue of writs to the county palatine of Durham.*—Section fifty-seven of “The Representation of the People Act, 1867,” with respect to the county palatine of Lancaster, and the issue, direction, and transmission of writs for the election of members to serve in Parliament for any division of the said county or for any borough situate therein, shall be construed to extend to and include the county palatine of Durham.

*Miscellaneous Amendments.*

22. *Parish situate in more than one polling district.*—Where any parish in a county, city, or borough forms part of more than one polling district, the part of such parish situate in each polling district shall be deemed to be a separate parish for the purposes of the revision of voters and the lists and register of voters, and may be designated by some distinguishing addition in the list of voters for such part of a parish.

23. *Recovery of expenses by town clerks and returning officers.*—Whereas it is expedient to provide a summary remedy for the recovery by town clerks and returning officers of sums of money due to them in respect of expenses incurred in pursuance of the Registration Acts: Be it enacted, that if the overseers of any parish or township refuse or neglect to pay to the town clerk or returning officer of any borough, out of the first moneys to be collected for the relief of the poor, any contribution or sum required to be paid to him by the fifty-fifth section of the principal act, or any act amending the same,<sup>(10)</sup> or any part of such contribution or sum, it shall be lawful for any justice of the peace for the county or place within which such parish or township is wholly or in part situate, upon information and complaint in writing, and after seven days’ notice in writing to be served upon such overseers or one of them, by warrant under his hand to levy such contribution or sum by distress and sale of the goods of the offender or offenders, together with all costs occasioned by the making of such complaint, service of such summons, and the obtaining and executing such warrant.

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(10) The expenses required to be paid to the town clerk and returning officer, by sect. 55 of 6 & 7 Vict. c. 18, were construed by *Reg. v. Governor and Guardians of the Poor of Kingston-on-Hull* (2 El. & Bl. 182), to be confined to costs out of pocket, but they were afterwards extended by 30 & 31 Vict. c. 102, so as to include “all proper and reasonable fees and charges.”

24. *Amendment of law as to numbers in polling booths.*—The third section of the said act of the session of the fifth and sixth years of King William the Fourth, chapter 36, shall be repealed, and instead thereof be it enacted, "that the polling booths at each polling place shall be so divided and arranged in compartments by the sheriff or other returning officer that not more than five hundred electors<sup>(1)</sup> shall be allotted to poll in each compartment."

25. *Provision when borough situate partly in one circuit and partly in another.*—Where a borough is situated partly in one circuit and partly in another the judge of the circuit in which the greater part in extent of such borough is situate shall appoint the revising barrister for such borough.

26. *Power of clerk of peace in case of alteration of boundaries.*—If, in pursuance of any act passed during the last or present session of Parliament, any alteration is made affecting the divisions of any county, the clerk of the peace of such county or the revising barrister shall amend any copies of registers, lists, claims, or objections submitted to him in such manner as to make the same conformable to the alterations so made by act of Parliament.

If the justices of the peace in any county have by any order of session made before such act was passed divided such county into polling districts, and assigned to each district a polling place, and named the polling places at which the revising barristers are to hold their courts, such order shall be as valid to all intents and purposes as if it had been made after the passing of such act.

27. *Appointment of returning officer for borough of Thirsk.*—From and after the passing of this act a returning officer shall be annually appointed for the borough of Thirsk in the manner provided by the eleventh section of the act of the second year of the reign of his late Majesty King William the Fourth, chapter forty-five, in the case of the boroughs mentioned in Schedules C. and D. annexed to the said act, for which no persons are mentioned in such schedules as returning officers, and the person so appointed shall perform all the duties and be

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<sup>(1)</sup> This increases the number from 300, to which it was limited by 5 & 6 Will. 4, c. 36, s. 3.

entitled to the remuneration which a returning officer is, by the Registration Acts, required to perform and is entitled to in boroughs where there is no town clerk.

28. *Production of rate-books by overseers* (6 Vict. c. 18, ss. 34, 35).—The overseers of every parish or township shall produce to the barrister appointed to revise the list of voters of any county, whilst holding his court for revising the lists relating to their parish or township, all rates made for the relief of the poor of their parish or township between the fifth day of January, in the year then last past and the last day of July<sup>(12)</sup> in the then present year; and any overseer wilfully refusing or neglecting to produce any such rates shall be deemed wilfully guilty of a breach of duty in the execution of the principal act, and be punishable accordingly.<sup>(13)</sup>

29. *Power of revising barrister to summon overseers, &c.* (6 Vict. c. 18, ss. 34, 35).—The barrister appointed to revise the lists of voters of any county, whilst holding his court for revising the lists relating to a parish or township, may require any overseer or overseers of a past year, or other person having the custody of any poor-rate of the then current or any past year, or any relieving officer, to attend before him at any such court, and they shall attend accordingly and answer all such questions as may be put to them by the barrister; and any overseer or relieving officer wilfully refusing or neglecting to comply with the requirements authorised to be made by the revising barrister in pursuance of this section shall be punishable in the same manner in which an overseer wilfully guilty of a breach of duty in the execution of the principal act is punishable under the principal act.<sup>(14)</sup>

30. *Application of certain rating sections to counties.*—The thirtieth section of the act of the session of the second year of

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<sup>(12)</sup> By 5 & 6 Vict. c. 18, s. 35, the overseers were to produce the poor-rates made "between the 6th of April, in the year then last past, and the last day of July in the then present year." This 28th section, therefore, requires the production of rate-books for a quarter later back, and in other respects applies sect. 35, which related to barristers' courts for cities or boroughs to barristers' courts for the revision of county voters.

<sup>(13)</sup> The penalty for being wilfully guilty of a breach of duty in the execution of 6 & 7 Vict. c. 18, is, by sect. 51 of that act, a fine not exceeding 5*l.*, nor less than 20*s.*

<sup>(14)</sup> See last note.

- King William the Fourth, chapter forty-five, and the seventy-fifth section of the principal act, shall apply to all occupiers of premises capable of conferring the franchise for a county under "The Representation of the People Act, 1867."<sup>(15)</sup>

31. *Expenses of overseers and relieving officers.*—All expenses properly incurred by an overseer in pursuance of this act shall be deemed to be expenses properly incurred by him in carrying into effect the provisions of the principal act, and any expense incurred by any relieving officer in attending a revising barrister in pursuance of this act (the amount to be certified by the revising barrister) shall be deemed to be expenses properly incurred by him in the execution of his duty as relieving officer, and shall be defrayed accordingly.

32. *Certificate of revising barrister to be conclusive.*—The certificate given to the overseers by the revising barrister under section fifty-seven of the principal act for the expenses incurred by them in carrying into effect the provisions of the Registration Acts shall be final and conclusive; provided, nevertheless, that such certificate shall be signed by the revising barrister in open court, and any ratepayer present shall have a right to inspect the account of expenses delivered in by the overseers, and to object to any item or items included therein, before such account is allowed by the revising barrister, who shall hear any such objection and make a decision respecting the same.

33. *Provision as to returning officer in case of parliamentary borough becoming a municipal borough.*—Whenever a borough returning a member or members to serve in Parliament becomes a municipal borough the authority of the person who may for the time being be acting as returning officer shall cease, and the mayor shall take his place, subject nevertheless to the repayment to such first-mentioned returning officer of any expenses properly incurred by him in the execution of the duties of his office.

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<sup>(15)</sup> Sect. 30 of the Reform Act (2 Will. 4, c. 45) enables occupiers in cities or boroughs to claim to be rated to the poor-rate, and the 75th section of the 6 & 7 Vict. c. 18 protects any such occupier against losing his right to be registered as borough or city voter by reason of any misnomer or inaccurate description in the rate, if he has *bonâ fide* paid before the 20th of July all sums which he has been called upon to pay as rates in respect of the qualifying premises previously to the 6th of April next preceding.

34. *Provision as to issue of precepts, &c., in case of altered or disfranchised boroughs.*—In case the boundary of any borough shall have been extended or altered, or any borough shall have been disfranchised by any act passed or to be passed in the present session of Parliament, the town clerk or clerk of the peace respectively shall forthwith, after the passing of such act and of this act, send to the overseers of every parish or township in which any part of such extended or altered boundary shall be situate, or which or any part of which was within any such disfranchised borough, the forms of precepts and lists required by the principal act to be sent to overseers, with such modifications therein, if any, as may be necessary to meet the provisions of any of such acts.

35. *Provision as to officers in case of altered boundaries of counties and boroughs.*—Where the boundary of any county or borough is altered in pursuance of any act passed during the present session of Parliament, any clerk of the peace, town clerk, returning officer, or other officer who would have jurisdiction in relation to the registration of voters, or in relation to the election of members to serve in Parliament, within such county or borough if it had remained unaltered, shall have jurisdiction over the area constituting such county or borough as altered by the said act.

36. *Provision with respect to boroughs disfranchised by Scotch Representation of the People Act.*—Whereas by an act passed in the present session of Parliament for the amendment of the Representation of the People of Scotland certain boroughs in England are disfranchised from and after the close of the present session of Parliament,<sup>(\*)</sup> and it is desirable to provide with regard to such boroughs for the case of a vacancy in the representation of any of them during the present session of Parliament, and with regard to the counties in which such boroughs are situated for any registration of voters which may be made during the present session of Parliament: Be it enacted, that in respect of any vacancy in the representation of any of such boroughs, and for the purposes of any registration of voters for such counties during the present session of Parliament, such

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(\*) The boroughs so disfranchised are Arundel, Ashburton, Dartmouth, Honiton, Lyme Regis, Thetford, and Wells: (see *ante*, p. 135, note.)



boroughs shall be deemed to be disfranchised from and after the passing of this act.

37. *Copies of registers to be transmitted to Secretary of State.*—The clerk of the peace of every county, and the town clerk or other officer having charge of the register of every city or borough respectively, shall in each and every year within twenty-one days after the first day of February transmit to one of Her Majesty's Principal Secretaries of State a printed copy of the register of voters then in force for such county, city, or borough.

31 & 32 VICT. CAP. 59.

*An Act to amend the Law relating to Reformatory Schools in Ireland.*—[16th July, 1868.]

31 & 32 VICT. CAP. 60.

*An Act to make better Provision for the Management and Use of the Curragh of Kildare.*—[16th July, 1868.]

## CONSULAR MARRIAGES ACT.

31 & 32 VICT. CAP. 61.

Sect.

SUMMARY.

Preamble.

1. Short title.
2. Certain past marriages herein specified confirmed.
3. Acting consuls to have power to solemnise marriages.

THE STATUTE.

*An Act for removing Doubts as to the Validity of certain Marriages between British Subjects in China and elsewhere, and for amending the Law relating to the Marriage of British Subjects in foreign Countries.*—[16th July, 1868.]

Whereas by an act of the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter sixty-eight, intituled "An Act for facilitating the Marriage of British Subjects resident in foreign Countries," provision is made for the solemnisation of marriages in foreign countries, or places where there may be a British consul duly authorised in that behalf,

between persons, both or one of whom is or are a British subject or British subjects, and it is thereby enacted, that every British consul general and consul appointed or to be appointed to reside in any foreign country or place who shall be directed or authorised in writing under the hand of one of Her Majesty's principal Secretaries of State to solemnise and register marriages, and any persons duly authorised to act in the absence of such consul, shall, in the country or place in which he is so appointed to reside, or in which he is directed or authorised to solemnise or register marriages as aforesaid, be a consul duly authorised for all the purposes of the said act:

And whereas marriages have been from time to time solemnised at certain places in China and elsewhere between persons, being both or one of them subjects or a subject of this realm, by persons acting temporarily as consuls in such places:

And whereas doubts are entertained as to the validity of the said marriages, owing to a question having arisen whether the persons by whom the same were solemnised were duly authorised in that behalf, and it is expedient to remove such doubts as to the said marriages, and as to any marriages which may be celebrated in like manner after the passing of this act:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Short title.*—This act may be cited for all purposes as “The Consular Marriage Act, 1868.”

2. *Certain past marriages herein specified confirmed.*—All marriages solemnised before the passing of this act (both or one of the parties thereto being subjects or a subject of this realm) by or in the presence of any person acting or purporting to act in the place of a British consul, such consul being duly authorised to solemnise and register marriages according to the provisions of the said recited act, shall be as valid in law as if the same had been solemnised by or in the presence of such British consul.

3. *Acting consuls to have power to solemnise marriages.*—From and after the passing of this act, every person acting or legally authorised to act in the place of a British consul, such consul being duly authorised to solemnise and register marriages between

persons (both or one of them being a subject or subjects of this realm), shall be deemed to be a British consul duly authorised for all the purposes of the said recited act.

## 31 &amp; 32 VICT. CAP. 62.

*An Act to extend the Provisions of "The Renewable Leasehold Conversion (Ireland) Act" to certain Leasehold Tenures in Ireland.*—[16th July, 1868.]

## 31 &amp; 32 VICT. CAP. 63.

*An Act to enable Commissioners appointed to inquire into the Failure of the Bank of Bombay to examine Witnesses on Oath in the United Kingdom.*—[16th July, 1868.]

## 31 &amp; 32 VICT. CAP. 64.

*An Act to improve the System of Registration of Writs relating to Heritable Property in Scotland.*—[31st July, 1868.]

## UNIVERSITY ELECTIONS (VOTING PAPERS) ACT.

## 31 &amp; 32 VICT. CAP. 65.

## Sect.

## SUMMARY.

Preamble—24 & 25 Vict. c. 53—30 & 31 Vict. c. 102.

1. Repeal of form of declaration.
2. Amendment of sect. 2 of first-recited act.
3. Officers in whose presence voting papers may be signed in the Channel Islands.
4. Short title.

## THE STATUTE.

*An Act to amend the Law relating to the Use of Voting Papers in Elections for the Universities.*—[31st July, 1868.]

24 & 25 Vict. c. 53—30 & 31 Vict. c. 102.—Whereas by an act passed in the session holden in the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter fifty-three, intituled "An Act to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers,"

it is provided that at the elections for burgesses to serve in Parliament for the Universities of Oxford, Cambridge, and Dublin votes may be given by means of voting papers; but it is by the said act provided that no voting paper shall be received or recorded unless the person tendering the same shall make the following declaration, which he shall sign at the foot or back thereof :

"I solemnly declare that I am personally acquainted with *A.B.* [*the voter*], and I verily believe that this is the paper by which he intends to vote, pursuant to the provisions of the Universities Election Act.

And whereas by virtue of "The Representation of the People Act, 1867," the said first-mentioned act applies to every election of a member for the University of London :

And whereas it is expedient to amend the said first-mentioned act so far as respects the said recited declaration :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

**Sect. 1. *Repeal of form of declaration.***—From and after the passing of this act the said recited form of declaration shall not be required, and there shall be substituted in place thereof the form of declaration following; that is to say,

"I solemnly declare that I verily believe that this is the paper by which *A.B.* [*the voter*] intends to vote pursuant to the provisions of "The Universities Election Acts, 1861 and 1868."

**2. *Amendment of sect. 2 of first-recited act.***—The second section of the said first-mentioned act shall, in reference to the University of London, be construed as if the words "in the manner heretofore used" were omitted therefrom.

**3. *Officers in whose presence voting papers may be signed in the Channel Islands.***—A voting paper for the election of any burgess or member to serve in Parliament for any universities or university in respect of which the provisions of the said first-mentioned act may for the time being be in force, may be signed by a voter being in one of the Channel Islands in the presence of the following officers; that is to say,

1. In Jersey and Guernsey, of the bailiffs or any lieutenant bailiff, jurat, or juge d'instruction.

2. In Alderney, of the judge of Alderney, or any jurat.

3. In Sark, of the seneschal or deputy seneschal.

And for the purpose of certifying and attesting the signature of such voting paper, each of the said officers shall have all the powers of a justice of the peace under the first-mentioned act, and a statement of the official quality of such officer shall be a sufficient statement of quality in pursuance of the provisions of the said act.

4. *Short title.*—This act may be cited for all purposes as “The Universities Elections Act, 1868,” and the said first-mentioned act and this act may be cited together as “The Universities Election Acts, 1861 and 1868.”

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## TURNPIKE TRUSTS ARRANGEMENTS ACT.

31 & 32 VICT. CAP. 66.

Sect.

### SUMMARY.

Preamble—14 & 15 Vict. c. 38—24 & 25 Vict. c. 46.

1. Provisional orders confirmed.

2. Short title.

Schedule.

### THE STATUTE.

*An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of the Reign of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.*—  
[31st July, 1868.]

14 & 15 Vict. c. 38—24 & 25 Vict. c. 46.—Whereas by an act of the fifteenth year of Her Majesty, chapter thirty-eight, “to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain provisions respecting Exemptions from Tolls,” hereinafter referred to as the principal act, power is given to one of Her Majesty’s principal Secretaries of State to make provisional orders for reducing the rate of interest, and for extinguishing the arrears of interest, on mortgage debts charged or secured on the revenues of turnpike roads, in cases where such revenues are insufficient for the payment in full of the interest charged thereon.

And whereas by the act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty,

chapter forty-six, the principal act is extended to turnpike roads, the acts relating to which are continued by any annual Turnpike Acts Continuance Act, although their revenues are not insufficient for such payments as aforesaid :

And whereas in pursuance of the principal act, and the said act extending the same, the several provisional orders referred to in the schedule annexed hereto have been made by Her Majesty's principal Secretary of State for the Home Department, and there are stated in the said schedule the dates of such orders, and such particulars relating thereto as are therein specified :

And whereas it is expedient that the said provisional orders should be confirmed and made absolute :

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Provisional orders confirmed.*—The several provisional orders, the dates of which are set forth in the first column of the said schedule, are hereby confirmed, and the provisions thereof shall be of the like force and effect as if they had been expressly enacted by Parliament.

2. *Short title.*—This act may be cited for all purposes as "The Turnpike Trusts Arrangements Act, 1868."

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## SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the under-mentioned Rates per Annum.	Dates from which reduced Rate of Interest to commence.
1867. 24 June.	7 & 8 Geo. 4, c. lxxiii., "An Act for more effectually improving the Road from Creed to Ruan Lanehorne, and from Dennis Water to Trethim Mill, in the County of Cornwall."	£ s. d. 1000 0 0	2½ per Cent.	5 June, 1867.
12 Aug.	1 & 2 Geo. 4, c. cvii., "An Act for more effectually repairing the Road from Dunstable in the County of Bedford to the Pond Yards in the County of Hertford." ... ..	3950 0 0	{ One Penny per Cent.	{ 24 June, 1867.
5. Dec. 1868.	8 & 9 Vict. c. cli, "An Act for repairing and maintaining the Road from Harwell to Streatley in the County of Berks." ...	2900 0 0	{ One Penny per Cent.	{ 13 Aug. 1867. (Arrears extinguished.)
25 May.	6 Will. 4, c. xlv., "An Act for making and maintaining as Turnpike a Road leading from the Flimwell to Hastings Turnpike Road at or near Beauport in the Parish of Hollington to Hastings in the County of Sussex." ... ..	11390 0 0	1½ per Cent.	{ 31 Dec. 1867 (Arrears extinguished.)

31 &amp; 32 VICT. CAP. 67.

*An Act to amend the Law relating to the Funds provided for defraying the Expenses of the Metropolitan Police.*—[31st July, 1868.]

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## LIQUIDATION ACT.

31 &amp; 32 VICT. CAP. 68.

### SUMMARY.

Sect.

*Preliminary.*

1. Short title.
2. Interpretation of terms.
3. Extent of act.
4. Application of act.

*Division of Assets in Specie.*

5. Power to prepare and file scheme.
6. Provision in scheme as to secured creditors.
7. Notice of scheme.
8. Application for confirmation.
9. Confirmation of scheme by court.
10. Effect of scheme.
11. Regard by court to wishes of creditors.

*Foreclosure by Notice.*

12. Power for creditors to foreclose by notice.

*Procedure.*

13. General orders and forms in schedule.  
Schedule.

### INTRODUCTION.

This act applies only to cases of bankruptcy or arrangement, where the adjudication or registration of the deed has been before the passing of the act, or to cases of winding-up where the proceedings for winding-up the company were pending at the passing of the act.

The design of the act is to facilitate, in the above cases to which the act applies, the division of securities among creditors without sale where they might fetch only nominal prices. The division is to take place according to a scheme prepared by the assignees in bankruptcy, trustees under an arrangement, or liquidators in a winding-up, as the case may be, with the sanction of the Court of Chancery.



There is also a provision by which creditors with securities may foreclose, taking the assets on which they hold security in satisfaction of their debt, free from all right of redemption.

#### THE STATUTE.

*An Act to facilitate Liquidation in certain Cases of Bankruptcy Arrangement and Winding-up.*—[31st July, 1868.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

#### *Preliminary.*

Sect. 1. *Short title.*—This act may be cited as "The Liquidation Act, 1868."

2. *Interpretation of terms.*—In this act—

The term "arrangement" means arrangement, conveyance, or assignment by a debtor, with or for the benefit of his creditors, by deed registered under "The Bankruptcy Act, 1861 :"

The term "deed" includes any instrument :

The term "winding-up" means the winding-up of a company in any manner under "The Companies Act, 1862," and any act amending the same :

The term "liquidators" means assignees in a bankruptcy, trustees, or inspectors, or other persons acting on behalf of a debtor and his creditors, under an arrangement, or official or other liquidators in a winding-up.

3. *Extent of act.*—This act shall not extend to Scotland or Ireland.

4. *Application of act.*—This act shall have effect in the following cases only :

- (1.) In case of bankruptcy, where the adjudication has been made before the passing of this act, or a deed of arrangement has been registered before the passing of this act and adjudication of bankruptcy supervenes before the completion of the liquidation under the deed.
- (2.) In case of arrangement, where the deed has been registered before the passing of this act.
- (8.) In case of winding-up, where proceedings are pending at the passing of this act.

*Division of Assets in Specie.*

5. *Power to prepare and file scheme.*—If in any case of bankruptcy, arrangement, or winding-up within this act it appears to the liquidators that it will be for the benefit of the estate in liquidation that any part of the assets thereof should be divided in specie, or be otherwise disposed of without sale, they may prepare and file in the Court of Chancery a scheme in that behalf.

6. *Provision in scheme as to secured creditors.*—A scheme may in any case provide that any class of secured creditors shall take in or towards discharge of their claims on the estate the securities held by them at a value to be determined by the court or in such manner as the court shall direct.

7. *Notice of scheme.*—Notice of the filing of the scheme shall be published and given as general orders under this act direct.

8. *Application for confirmation.*—At such time after the filing of the scheme as general orders under this act direct the liquidators may apply to the court in a summary way for confirmation thereof.

9. *Confirmation of scheme by court.*—After hearing the liquidators, and any creditors or other parties whom the court thinks entitled to be heard on the application, the court, if satisfied that no sufficient objection has been established to the scheme, may confirm the scheme, with or without alteration or addition.

10. *Effect of scheme.*—The scheme, as and when confirmed by the court, shall be binding and effectual to all intents (any rule of law or equity or course of procedure in any court notwithstanding), and the liquidators and debtor and others affected by the scheme shall conform with the conditions thereof, and accordingly shall (subject to the directions of the court) execute and do all deeds and things necessary or proper for transferring or vesting any portion of the assets of the estate in accordance with the scheme.

11. *Regard by court to wishes of creditors.*—The court, in determining on the confirmation of a scheme, and in all proceedings and matters under or relating to a scheme, may have regard to the wishes of the creditors or of separate classes of creditors, as proved to the court by any sufficient evidence; and the court may, if it thinks it expedient for the purpose of ascertaining their wishes, direct meetings of creditors or of classes of cre-

ditors to be summoned and held, which meetings shall be regulated in such manner as the court thinks fit (regard being always had to the value of the debts due to the several creditors and to the nature and amount of their respective securities, if any), and may appoint a person to act as chairman of any such meeting, and to report the result thereof to the court.

*Foreclosure by Notice.*

12. *Power for creditors to foreclose by notice.*—For facilitating the settlement of claims of secured creditors the following provisions shall have effect :

- (1.) In any case of bankruptcy, arrangement, or winding-up within this act, any person being or claiming to be a creditor on the estate in liquidation, and holding or claiming a security, charge, or lien on the assets of the estate, may, without suit, give notice in writing to the liquidators and the debtor, stating his debt or demand, and the security, charge, or lien which he holds or claims, and requiring payment of his debt or demand within a time therein specified, not being less than six months from the delivery of the notice :
- (2.) Unless the liquidators within the time specified either comply with the notice, or give to the creditor a counter-notice to the effect that they dispute his right to the security, charge, or lien held or claimed by him, then from and after the expiration of the time specified the creditor shall be entitled and bound to retain and accept, in full and final satisfaction of the debt or demand stated in his notice, that portion of the assets on which he holds or claims the security, charge, or lien, and all right and title of the liquidators and debtor therein shall thenceforth be foreclosed :
- (3.) The liquidators and debtor shall, at the cost of the estate, execute and do all deeds and things necessary or proper for vesting in the creditor such portion of the assets as aforesaid, free from all right of redemption by such liquidators or debtor.

*Procedure.*

13. *General orders and forms in schedule.*—General orders for the better execution of this act and for the regulation of

procedure thereunder shall be from time to time made by the Lord Chancellor of Great Britain, with the advice and assistance of the Lords Justices of the Court of Appeal in Chancery, the Master of the Rolls, and the Vice-Chancellors, or of any two of those judges; and subject to the provisions of any such general orders, and until any such are made, the forms given in the schedule to this act, or forms to the like effect, may be used for the purposes therein indicated, with such variations as circumstances require, and when used shall be deemed sufficient.

## THE SCHEDULE.

### FORMS.

#### I.

#### NOTICE BY CREDITOR.

*The Liquidation Act, 1868.*

To *A.B.* and *C.D.*, being the assignees in bankruptcy [or as the case may be] of *E.F.*, of \_\_\_\_\_ and to the said *E.F.*

I [or we], the undersigned, being a creditor [or creditors] of the above-named *E.F.* to the amount of £ \_\_\_\_\_ and holding the following securities, namely [here the nature of the securities claimed, and whether legal or equitable, to be fully stated], do hereby require you (or some or one of you) to pay off my [or our] said debt or demand within [not less than six calendar months] from the receipt by you of this notice.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(Signed) *G.H.*

#### II.

#### COUNTER-NOTICE BY LIQUIDATORS.

*The Liquidation Act, 1868.*

To *G.H.*

We, the undersigned, being the assignees in bankruptcy [or as the case may be] of the estate of *E.F.*, do hereby give you notice that we dispute your right to the security, charge, or lien held or claimed by you on a portion of the assets of the estate in respect of the debt or demand of £ \_\_\_\_\_ claimed by you.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

(Signed) *A.B.*  
*C.D.*

31 & 32 VICT. CAP. 69.

*An Act to assimilate the Law in Ireland to the Law in England as to Costs in Actions of Libel.*—[31st July, 1868.]

## 31 &amp; 32 VICT. CAP. 70.

An Act to amend "*The Railways (Ireland) Act, 1851*," "*The Railways (Ireland) Act, 1860*," and "*The Railways (Ireland) Act, 1864*," as to the Trial of Traverses.—[31st July, 1868.]

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COUNTY COURTS ADMIRALTY JURISDICTION  
ACT.

## 31 &amp; 32 VICT. CAP. 71.

## Sect.

## SUMMARY.

1. Short title.
2. Appointment of county courts for admiralty purposes.
3. Extent of admiralty jurisdiction of county courts.
4. Restrictions on county court jurisdiction in certain cases.
5. No county court other than that appointed to have jurisdiction.
6. As to transfer from county court by order of High Court of Admiralty.
7. As to transfer of causes by order of county court to High Court of Admiralty.
8. As to transfer of causes to other county courts or Court of Admiralty.
9. Restrictions on proceedings in the Court of Admiralty or Superior Court.
10. Powers, &c. of judges and registrars.
11. Power to judge of county court to summon nautical assessors to his assistance.
12. Decrees in county courts in admiralty causes to have same force as those in civil causes.
13. Admiralty causes to be heard at usual courts.
14. Appointment of assessors in county court.
15. Attendance of assessors.
16. Removal of assessors.
17. Remuneration of registrars.
18. Scale of costs.
19. Power to registrars to administer oaths and take evidence.
20. Evidence before registrar receivable in Admiralty Court.
21. As to proceedings in county court for commencement of cause.
22. Limitation of arrest.
23. Power to issue process.
24. Registration of decrees and orders.
25. Concurrent jurisdiction of the Court of Passage.
26. Appeal to Court of Admiralty.

27. Time for appeal.
28. Agreement not to appeal.
29. As to appeals to the Queen in Council.
30. Costs of appeal.
31. No appeal unless amount exceeds 50*l*.
32. Conduct of sale, &c. in Court of Admiralty.
33. In certain cases causes may be transferred by county court and appeals made to Court of Admiralty of the Cinque Ports.
34. County Court Acts applied to this.
35. Practice, &c. to be regulated by general orders.
36. Authority for making general orders.

#### INTRODUCTION.

Inadequacy of the present local courts, and the expense of taking small shipping cases before the Court of Admiralty, have been the cause of the present measure, the object of which is to give an admiralty jurisdiction in certain cases to particular county courts which shall be selected for that purpose, by an order in council. To these selected courts an admiralty jurisdiction is given in cases of claim for salvage, or for damage to cargo, or by collision, where the amount claimed does not exceed 300*l*.; and in cases of claims for towage, necessities, or wages in which the amount claimed does not exceed 150*l*. If the value in any of these cases exceeds this limit, the county court may have jurisdiction if both parties agree thereto, in writing, signed by them or their agents.

The county courts selected will no doubt be those near the coast; and of these county courts the one within the district of which the vessel or property is will generally be the court in which the proceedings are to be instituted. The power, however, of attaching, in the first instance, the vessel or property to which the cause relates, as is usually exercised in admiralty proceedings, is only to be used on evidence to the satisfaction of the county-court judge, or of his registrar, that it is probable that such vessel or property will be removed out of the jurisdiction of the court before the plaintiff's claim is satisfied.

An appeal lies from the decree of the county court to the Admiralty Court, where the amount decreed to be due exceeds 50*l*., but not otherwise, and the decree of the Admiralty Court on such appeal is final, except by leave of the judge of that court.

## THE STATUTE.

*An Act for conferring Admiralty Jurisdiction on the County Courts.*—[31st July, 1868.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Short title.*—This act may be cited as "The County Courts Admiralty Jurisdiction Act, 1868."

2. *Appointment of county courts for admiralty purposes.*—If at any time after the passing of this act it appears to Her Majesty in Council, on the representation of the Lord Chancellor, expedient that any county court should have admiralty jurisdiction, it shall be lawful for Her Majesty, by order in council, to appoint that court to have admiralty jurisdiction accordingly, and to assign to that court as its district for admiralty purposes any part or parts of any one or more district or districts of county courts; and the district so constituted for that court, with the parts of the sea (if any) adjacent to that district to a distance of three miles from the shore thereof, shall be deemed its district for admiralty purposes; and accordingly the judge and all officers of the court shall have jurisdiction and authority for those purposes throughout that district, as if the same was the district of the court for all purposes; and, from a time to be specified in each such order, this act shall have effect in and throughout the district so constituted; and any such order may be from time to time varied as seems expedient; and a county court so appointed to have admiralty jurisdiction, and no other county court, shall, for the purposes of this act, be deemed a county court having admiralty jurisdiction: Provided that no judge of a county court, except the judges of the London court, shall have jurisdiction in the City of London.

3. *Extent of admiralty jurisdiction of county courts.*—Any county court having admiralty jurisdiction shall have jurisdiction, and all powers and authorities relating thereto, to try and determine, subject and according to the provisions of this act, the following causes (in this act referred to as admiralty causes):

- (1.) As to any claim for salvage—Any cause in which the value of the property saved does not exceed one thousand pounds, or in which the amount claimed does not exceed three hundred pounds:
- (2.) As to any claim for towage, necessaries, or wages—Any cause in which the amount claimed does not exceed one hundred and fifty pounds:
- (3.) As to any claim for damage to cargo, or damage by collision—Any cause in which the amount claimed does not exceed three hundred pounds:
- (4.) Any cause in respect of any such claim or claims as aforesaid, but in which the value of the property saved or the amount claimed is beyond the amount limited as above mentioned, when the parties agree by a memorandum signed by them or by their attorneys or agents that any county court having admiralty jurisdiction, and specified in the memorandum, shall have jurisdiction.

4. *Restrictions on county court jurisdiction in certain cases.*—Nothing in this act, or in any order in council under it, shall confer on a county court jurisdiction in any prize cause, or in any other matter within the Naval Prize Act, 1864, or in any matter arising under any of the acts for the suppression of the slave trade, or any admiralty jurisdiction by way of appeal.

5. *No county court other than that appointed to have jurisdiction.*—From and after the time specified in each order in council under this act appointing a county court to have admiralty jurisdiction within any district as the time from which this act shall have effect in and throughout that district, no county court, other than the county court so appointed, shall have jurisdiction within that district in any admiralty cause; provided that all admiralty causes at that time pending in any county court within that district may be continued as if no such order in council had been made.

6. *As to transfer from county court by order of High Court of Admiralty.*—The High Court of Admiralty of England, on motion by any party to an admiralty cause pending in a county court, may, if it shall think fit, with previous notice to the other party, transfer the cause to the High Court of Admiralty, and may order security for costs, or impose such other terms as to the court may seem fit.



7. *As to transfer of causes by order of County Court to High Court of Admiralty.*—If during the progress of an admiralty cause in a county court it appears to the court that the subject matter exceeds the limit in respect of amount of the admiralty jurisdiction of the court, the validity of any order or decree theretofore made by the court shall not be thereby affected, but (unless the parties agree, by a memorandum signed by them or by their attorneys or agents, that the court shall retain jurisdiction), the court shall by order transfer the cause to the High Court of Admiralty; but that court may, nevertheless, if the judge of that court in any case thinks fit, order that the cause shall be prosecuted in the county court in which it was commenced, and it shall be prosecuted accordingly.

8. *As to transfer of causes to other County Courts or Court of Admiralty.*—If during the progress of an admiralty cause in a county court it shall appear to the court that the cause could be more conveniently prosecuted in some other county court, or in the High Court of Admiralty of England, the court may by order transfer it to such other county court, or to the High Court of Admiralty of England, as the case may be, and the cause shall thenceforward be so prosecuted accordingly.

9. *Restrictions on proceedings in the Court of Admiralty or Superior Court.*—If any person shall take in the High Court of Admiralty of England or in any superior court proceedings which he might, without agreement, have taken in a county court, except by order of the judge of the High Court of Admiralty or of such superior court or of a county court having admiralty jurisdiction, and shall not recover a sum exceeding the amount to which the jurisdiction of the county court in that admiralty cause is limited by this act, and also if any person without agreement shall, except by order as aforesaid, take proceedings as to salvage in the High Court of Admiralty or in any superior court in respect of property saved, the value of which when saved does not exceed one thousand pounds, he shall not be entitled to costs, and shall be liable to be condemned in costs, unless the judge of the High Court of Admiralty or of a superior court before whom the cause is tried or heard shall certify that it was a proper admiralty cause to be tried in the High Court of Admiralty of England or in a superior court.

10. *Powers, &c., of judges and registrars.*—In an admiralty cause in a county court the cause shall be heard and determined in like manner as ordinary civil causes are now heard and determined in county courts; save and except that in any admiralty cause of salvage, towage, or collision the county court judge shall, if he think fit, or on the request of either party to such cause, be assisted by two nautical assessors in the same way as the judge of the High Court of Admiralty is now assisted by nautical assessors.

11. *Power to judge of county court to summon nautical assessors to his assistance.*—In any such admiralty cause as last aforesaid it shall be lawful for the judge of the county court, if he think fit, and he shall, upon request of either party, summon to his assistance in such manner as general orders shall direct two nautical assessors, and such nautical assessors shall attend and assist accordingly.

12. *Decrees in county courts in admiralty causes to have same force as those in civil causes.*—The decree of the county court in an admiralty cause shall be enforced against the person or persons summoned as the defendant or defendants in the same manner as the decrees of the said court are enforced in ordinary civil causes, save and except as in this act otherwise provided.

13. *Admiralty causes to be heard at usual courts.*—The judge of every county court having admiralty jurisdiction shall hear and determine admiralty causes at the usual courts held within his jurisdiction, or at special courts to be held by him, and which he is hereby required to hold as soon as may be after he shall have had notice of an admiralty cause having arisen within the jurisdiction of his court.

14. *Appointment of assessors in county court.*—The registrar of each county court having admiralty jurisdiction shall from time to time frame a list, to be approved by the judge of the High Court of Admiralty before whom the same shall be laid by the county-court judge, and without whose approval it shall have no validity, of assessors, of persons of nautical skill and experience residing or having places of business within the district of the county court, to act as assessors in that court, and shall cause the list to be published in the *London Gazette*.

15. *Attendance of assessors.*—Every person named in the list of assessors so framed and approved shall attend the county court under such circumstances, and in such rotation, and subject to such regulations, and shall receive such fees for his attendance, as general orders shall direct, and for every wilful non-attendance shall be liable, at the discretion of the court, to a penalty not exceeding five pounds.

16. *Removal of assessors.*—Every assessor named in such list shall hold his office until a new list of assessors shall have been framed and approved as aforesaid, or until he shall resign his appointment.

17. *Remuneration of registrars.*—The registrars of the county courts shall be remunerated for their duties in admiralty causes by receiving for their own use such fees as general orders shall direct.

18. *Scale of costs.*—A scale of costs and charges in admiralty causes in the county courts shall be prescribed by general orders.

19. *Power to registrars to administer oaths and take evidence.*—The registrar of a county court shall have power to administer oaths in relation to any admiralty cause in a county court; and any person who shall wilfully depose or affirm falsely before the registrar in any admiralty cause shall be deemed to be guilty of perjury, and shall be liable to all the pains and penalties attaching to wilful and corrupt perjury.

20. *Evidence before registrar receivable in Admiralty Court.*—Evidence taken in any admiralty cause before the registrar of a county court as the judge of a county court or general orders shall direct, shall be received as evidence in any other county court, saving all just exceptions; and the registrar of any county court shall, for the purpose of the examination of any witnesses within the district of that court, have all and the like powers and authorities of an examiner of the High Court of Admiralty of England, and evidence taken by him in that capacity shall be received as evidence in the High Court of Admiralty of England, saving all just exceptions.

21. *As to proceedings in county court for commencement of cause.*—Proceedings in an admiralty cause shall be commenced—

- (1.) In the county court having admiralty jurisdiction within the district of which the vessel or property to which

the cause relates is at the commencement of the proceedings.

- (2.) If the foregoing rule be not applicable, then in the county court having admiralty jurisdiction in the district of which the owner of the vessel or property to which the cause relates, or his agent in England, resides, or if such owner or agent does not reside within any such district, then in the county court having admiralty jurisdiction the district whereof is nearest to the place where such owner or agent resides :
- (3.) If for any reason the last foregoing rule is not applicable or cannot be acted on, then in such county court having admiralty jurisdiction as general orders direct :
- (4.) In any case in the county court or one of the county courts having admiralty jurisdiction in which the parties by a memorandum, signed by them or by their attorneys or agents, agree shall have jurisdiction in the cause.

22. *Limitation of arrest.*—In an admiralty cause in a county court if evidence be given to the satisfaction of the judge, or in his absence the registrar of the court, that it is probable that the vessel or property to which the cause relates will be removed out of the jurisdiction of the court before the plaintiff's claim is satisfied, it shall be lawful for the said judge, or in his absence for the registrar, to issue a warrant for the arrest and detention of the said vessel or property, unless or until bail to the amount of the claim made in such cause, and to the reasonable costs of the plaintiff in such cause, be entered into and perfected, according to general orders, by or on behalf of the owner of the vessel or property or his agent, or other the defendant in such cause ; and, except as in this section expressly provided, there shall be no arrest or detention of a vessel or property in an admiralty cause in a county court otherwise than in execution.

23. *Power to issue process.*—For the execution of any decree or order of a county court in an admiralty cause the court may order, and the registrar on such order may seal and issue, and any officer of any county court may execute, process according to general orders ; provided that where under such process a vessel or property would or might be sold, then, if the owner of the vessel or property desires that the sale should be conducted

in the High Court of Admiralty instead of in the county court, he shall be entitled, on security for costs being first given, and subject and according to such other provisions as general orders direct, to obtain an order of the county court for transfer of the proceedings for sale, with or without (as the judge of the county court thinks fit) the transfer of the subsequent proceedings in the cause, to the High Court of Admiralty, which court shall have jurisdiction and all powers and authorities relating thereto accordingly.

24. *Registration of decrees and orders.*—Such decrees and orders of county courts in admiralty causes as general orders shall direct shall be registered with the registrar of county court judgments in London in such manner as general orders shall direct.

25. *Concurrent jurisdiction of the Court of Passage.*—The Court of Passage of the borough of Liverpool shall, upon an order in council being made which shall appoint the County Court of Lancashire holden at Liverpool to have admiralty jurisdiction, have the like jurisdiction, powers, and authorities as by that order are conferred on the said county court; but nothing herein shall be deemed to enlarge the area over which the jurisdiction of the Court of Passage extends, or to alter the rules and regulations for holding the said court, or to take away or restrict any jurisdiction, power, or authority already vested in that court; and fees received in that court under this act shall be dealt with as fees received in that court under its ordinary jurisdiction.

26. *Appeal to Court of Admiralty.*—An appeal may be made to the High Court of Admiralty of England from a final decree or order of a county court in an admiralty cause, and, by permission of the judge of the county court, from any interlocutory decree or order therein, on security for costs being first given, and subject to such other provisions as general orders shall direct.

27. *Time for appeal.*—No appeal shall be allowed unless the instrument of appeal is lodged in the registry of the High Court of Admiralty within ten days from the date of the decree or order appealed from, but the judge of the High Court of Admiralty of England may, on sufficient cause being shown to his satisfaction for such omission, allow an appeal to be pro-

secuted, notwithstanding that the instrument of appeal has not been lodged within that time.

28. *Agreement not to appeal.*—No appeal shall be allowed if, before the decree or order is made, the parties shall have agreed by a memorandum signed by them, or by their attorneys or agents, that the decree or order shall be final; and any such agreement need not be stamped, except in respect of any fee imposed by general orders.

29. *As to appeals to the Queen in Council.*—There shall be no appeal from a decree or order of the High Court of Admiralty of England made on appeal from a county court, except by express permission of the judge of the High Court of Admiralty.

30. *Costs of appeal.*—On an appeal under this act, when the appellant is unsuccessful, he shall pay the costs of the appeal, unless the appellate court shall otherwise direct.

31. *No appeal unless amount exceeds 50l.*—No appeal shall be allowed unless the amount decreed or ordered to be due exceeds the sum of fifty pounds.

32. *Conduct of sale, &c., in Court of Admiralty.*—On an appeal under this act, the judge of the High Court of Admiralty, if it appears to him expedient that any sale decreed or ordered to be made of the vessel or property to which the cause relates should be conducted in the High Court of Admiralty instead of in the county court from which the appeal is brought, may direct the transfer of the proceedings for sale, with or without the transfer of the subsequent proceedings in the cause, to the High Court of Admiralty, which court shall have jurisdiction and all powers and authorities relating thereto accordingly.

33. *In certain cases causes may be transferred by county court and appeals made to Court of Admiralty of the Cinque Ports.*—In all cases which shall arise within the jurisdiction of the Cinque Ports as defined by the act first and second George the Fourth, chapter seventy-six, section eighteen, causes may be transferred by the county court and appeals made to the Court of Admiralty of the Cinque Ports in lieu of the High Court of Admiralty; and in the case of appeals the instrument of appeal shall be lodged in the registry of the Cinque Ports, and the same discretion vested in the judge official and commissary of the said Cinque Ports Court as is by this act vested in the judge of the High Court of Admiralty.

34. *County court acts applied to this.*—This act shall be read as one act, with so much of "The County Courts Act, 1846," and the acts amending or extending the same, as is now in force.

35. *Practice, &c., to be regulated by general orders.*—General orders shall be from time to time made under this act for the purposes in this act directed, and for regulating the practice and procedure of the admiralty jurisdiction of the county courts, the forms of processes and proceedings therein or issuing therefrom, and the days and places of sittings for admiralty causes, the duties of the judges and officers thereof, and the fees to be taken therein.

36. *Authority for making general orders.*—General orders under this act shall be made by the Lord Chancellor, with the advice and assistance of the judge of the High Court of Admiralty of England, and, as far as they relate to fees, or to the receipt and expenditure of and accounting for money, with the approval of the Commissioners of Her Majesty's Treasury.

## PROMISSORY OATHS ACT.

31 & 32 VICT. CAP. 72.

Sect.

### SUMMARY.

Preamble.

1. Short title.

### PART I.

#### OATHS TO BE CONTINUED.

#### *Oath of Allegiance. Official and Judicial Oaths.*

2. Form of oath of allegiance.
3. Form of official oath.
4. Form of judicial oath.
5. Persons to take the oath of allegiance and official oath.
6. Persons to take the oath of allegiance and judicial oath.
7. Penalty on not taking required oath.
8. Form of oath of allegiance in this act substituted for form in certain other acts.
9. Prohibition of oath of allegiance except in accordance with act.

#### *Miscellaneous Provisions as to Oaths.*

10. The name of the Sovereign for the time being to be used in the oath.
11. Provision in favour of persons permitted to make affirmations.

## PART II.

## OATHS TO BE ABOLISHED.

*Substitution of Declaration for Oaths.*

12. Regulations as to substitution of declarations for oaths.
13. Penalty on not making declaration required by this act.

## PART III.

*Saving Clause.*

14. Not to affect matters herein stated.
  15. Saving of powers of alteration hitherto exercised.
  16. General saving as to matters herein stated.
- Schedule.

## THE STATUTE.

*An Act to amend the Law relating to Promissory Oaths.—*

[31st July, 1868.]

Whereas it is expedient to amend the law relating to promissory oaths: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Short title.*—This act may be cited for all purposes as “The Promissory Oaths Act, 1868.”

## PART I.

## OATHS TO BE CONTINUED.

*Oath of Allegiance. Official and Judicial Oaths.*

2. *Form of oath of allegiance.*—The oath in this act referred to as the oath of allegiance shall be in the form following; that is to say, “I                    do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law.                    “So help me God.”

3. *Form of official oath.*—The oath in this act referred to as the official oath shall be in the form following; that is to say, “I                    do swear that I will well and truly serve Her Majesty Queen Victoria in the office of                    .

“So help me God.”

4. *Form of judicial oath.*—The oath in this act referred to as the judicial oath shall be in the form following; that is to say, “I                    do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of                    , and I



will do right to all manner of people after the laws and usages of this realm, without fear or favour, affection or ill-will.

"So help me God."

5. *Persons to take the oath of allegiance and official oath.*—The oath of allegiance and official oath shall be tendered to and taken by each of the officers named in the first part of the schedule annexed hereto as soon as may be after his acceptance of office by the officer, and in the manner in that behalf mentioned in the said first part of the said schedule.

6. *Persons to take the oath of allegiance and judicial oath.*—The oath of allegiance and judicial oath shall be taken by each of the officers named in the second part of the said schedule hereto as soon as may be after his acceptance of office, and such oaths shall be tendered and taken in manner in which the oaths required to be taken by such officer previously to the passing of this act on entering his office would have been tendered and taken.

7. *Penalty on not taking required oath.*—If any officer specified in the schedule hereto declines or neglects, when any oath required to be taken by him under this act is duly tendered, to take such oath, he shall, if he has already entered on his office, vacate the same, and if he has not entered on the same be disqualified from entering on the same; but no person shall be compelled, in respect of the same appointment to the same office, to take such oath or make such affirmation more times than one.

8. *Form of oath of allegiance in this act substituted for form in certain other acts.*—The form of the oath of allegiance provided by this act shall be deemed to be substituted in the case of "The Clerical Subscription Act, 1865,"<sup>(1)</sup> for the form of the oath of allegiance and supremacy therein referred to; in the case of "The Parliamentary Oaths Act, 1866,"<sup>(2)</sup> for the form of the oath thereby prescribed to be taken and subscribed by members of Parliament on taking their seats; and in the case of "The Office and Oaths Act," 1867, for the form of the oaths of allegiance, supremacy, and abjuration therein referred to; and all the provisions of the said acts shall apply to the oath

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<sup>(1)</sup> 28 & 29 Vict. c. 122: (see Pract. Stats. 1865, p. 308.)

<sup>(2)</sup> 29 Vict. c. 19: (see Pract. Stats. 1866, p. 36.)

substituted by this section in the same manner as if that form of oath were actually inserted in each of the said acts in the place of the oath for which it is substituted.

9. *Prohibition of oath of allegiance except in accordance with act.*—No person shall be required or authorised to take the oaths of allegiance, supremacy, and abjuration, or any of such oaths, or any oath substituted for such oaths, or any of them, or to make any declaration to the like effect of such oaths, or any of them, except the persons required to take the oath of allegiance by this act and “The Clerical Subscription Act, 1865,” and “The Parliamentary Oaths Act, 1866,” or one of such acts, any act of Parliament, charter, or custom to the contrary notwithstanding; and no person shall be required or authorised to take the oath of assurance in Scotland.

*Miscellaneous Provisions as to Oaths.*

10. *The name of the Sovereign for the time being to be used in the oath.*—Where in any oath under this act the name of Her present Majesty is expressed, the name of the Sovereign of this kingdom for the time being shall be substituted from time to time.

11. *Provision in favour of persons permitted to make affirmations.*—When an oath is required to be taken under this act, every person for the time being by law permitted to make a solemn affirmation or declaration instead of taking an oath may, instead of taking such oath, make a solemn affirmation in the form of the oath hereby appointed, substituting the words “solemnly, sincerely, and truly declare and affirm” for the word “swear,” and omitting the words “So help me God.”

PART II.

OATHS TO BE ABOLISHED.

*Substitution of Declaration for Oaths.*

12. *Regulations as to substitution of declarations for oaths.*—The following regulations shall be enacted with respect to the substitution of declarations for oaths; (that is to say.)

1. Where before the passing of this act an oath was required to be taken by any person on or as a condition of accepting any employment or office in Her Majesty's honourable band of gentlemen at arms or bodyguard of yeomen of

the guard, or in any other department of Her Majesty's household, in such case a declaration of fidelity in office shall be substituted with the addition (in cases where it seems meet to Her Majesty by order in council to make such addition) of a declaration of secrecy to be observed by the declarant with respect to matters coming within his cognisance by reason of his employment or office :

2. Where before the passing of this act an oath was required to be taken by any person on or as a condition of accepting any office in or under a municipal corporation, or on or as a condition of admission to membership in or participation in the privileges of any municipal corporation, there shall be substituted for such oath, in the case of an office, a declaration that the declarant will faithfully perform the duties of his office; and in the case of admission to membership or participation in the privileges of a municipal corporation, a declaration that the declarant will faithfully demean himself as a member of or participator in the privileges of such corporation :
3. Where before the passing of this act an oath was required to be taken on or as a condition of admission to membership or fellowship or participation in the privileges of any guild, body corporate, society, or company, a declaration to the like effect of such oath shall be substituted; provided that if any two or more of the members of such guild, body corporate, society, or company, with the concurrence of the majority of the members present and voting at a meeting specially summoned for the purpose, object to any statement contained in such declaration on the ground of its relating to duties which by reason of change of circumstances have become obsolete, they may appeal to one of Her Majesty's principal Secretaries of State to omit such statement, and the decision of such Secretary of State shall be final :
4. Where in any case not otherwise provided for by this act or included within the saving clauses thereof an oath is required to be taken by any person on or as a condition of his accepting any employment or office, a declaration shall be substituted for such oath to the like effect in all respects as such oath.

5. The making a declaration in pursuance of this section instead of oath shall in all respects have the same effect as the taking the oath for which such declaration is substituted would have had if this act had not passed.

13. *Penalty on not making declaration required by this act.*—If any person required by this act to make a declaration instead of an oath declines or neglects to make such declaration, he shall be subject to the same penalties and disabilities, if any, as he would have been subjected to for declining or neglecting to take the oath for which the declaration provided by this act is substituted.

### PART III.

#### SAVING CLAUSE.

14. *Not to affect matters herein stated.*—Nothing in this act contained shall affect—

1. "The Clerical Subscription Act, 1865," or "The Parliamentary Oaths Act, 1866," except in relation to the form of oath in manner hereinbefore mentioned :
2. The oath taken by privy councillors of the United Kingdom, or by privy councillors of Ireland, with the exception that the form of the oath of allegiance prescribed by this act shall be substituted for the oath of allegiance, supremacy, and abjuration now required to be taken by privy councillors :
3. The oath of homage taken by archbishops and bishops in the presence of Her Majesty :
4. The oath of canonical obedience to the bishop, or the oath of due obedience to the archbishop, taken by bishops on consecration, and which oaths are reserved by "The Clerical Subscription Act, 1865 :"
5. Any oath taken by peers, baronets, or knights on their creation, with this exception, that where the oaths of allegiance, supremacy, or abjuration, or any two or one of such oaths, or any oath substituted for such oaths or any of them, are or is required to be taken by such peers, baronets, or knights, there shall be substituted for such oaths, or any two or one of them, the oath of allegiance prescribed by this act :
6. Any oath required to be taken in the army, the marines, the militia, the yeomanry, or the volunteers :

7. The oath taken by aliens on being naturalised, with this exception, that the form of the oath of allegiance prescribed by this act shall be substituted for the form of the oath of allegiance required so to be taken by aliens previously to the passing of this act:
8. The eighteenth section of "The Merchant Shipping Act, 1854," or any provision to be substituted therefor, whereby certain persons claiming to be owners of British ships are required to take the oath of allegiance, with this exception, that the form of the oath of allegiance as prescribed by this act shall be substituted for the form of the oath of allegiance contained in the said "Merchant Shipping Act, 1854:"
9. Any power of substituting a declaration for an oath vested in the Commissioners of Her Majesty's Treasury by the act of the session of the fifth and sixth years of the reign of his late Majesty King William the Fourth, chapter sixty-two.
10. Any oath required or authorised by act of Parliament to be taken or made for the purpose of attesting any fact or verifying any account or document:
11. Any oath or declaration taken in judicial ratification by married women, as the same by the law and practice of Scotland have been in use to be taken:
12. Any oath required to be taken by any juror, witness, or other person in pursuance of any act of Parliament or custom as preliminary to or in the course of any civil, military, criminal, or other trial, inquest, or proceedings of a judicial nature, including any arbitration, or as preliminary to or in the course of any proceedings before a committee of either House of Parliament, or before any commissioner or other special tribunal appointed by the Crown.
15. *Saving of powers of alteration hitherto exercised.*—Where a declaration has been substituted for an oath under this act, any person, guild, body corporate, or society which before the passing of this act had power to alter such oath, or to substitute another oath in its place, may exercise a like power with regard to such declaration.
16. *General saving as to matters herein stated.*—Where pre-

vously to the passing of this act the taking of any oath formed a condition precedent or subsequent to the attainment by any person of any office, privilege, exemption, or other benefit, and such person is by this act prevented from fulfilling such condition, he shall nevertheless, on complying with the other conditions, if any, attached to the attainment of such office, privilege, exemption, or other benefit, be entitled thereto in the same manner as if the condition relating to such oath, and any directions as to the certificate or registration of the taking of such oath, or otherwise, had been fulfilled and performed.

## SCHEDULE.

### FIRST PART.

#### *England.*

First Lord of the Treasury.  
 Chancellor of the Exchequer.  
 Lord Chancellor.  
 President of the Council.  
 Lord Privy Seal.  
 Secretaries of State.  
 First Lord of the Admiralty.  
 Chief Commissioner of Works and Public Buildings.  
 President of the Board of Trade.  
 President of the Poor Law Board.  
 Lord Steward.  
 Lord Chamberlain.  
 Earl Marshal.  
 Master of the Horse.  
 Commander-in-Chief.  
 Chancellor of the Duchy of Lancaster.  
 Paymaster-General.  
 Postmaster-General.

The oath as to England is to be tendered by the Clerk of the Council, and taken in presence of Her Majesty in Council, or otherwise as Her Majesty shall direct.

#### *Scotland.*

The Lord Keeper of the Great Seal.  
 The Lord Keeper of the Privy Seal.  
 The Lord Clerk Register.  
 The Lord Advocate.  
 The Lord Justice Clerk.

The oath as to Scotland is to be tendered by the Lord President of the Court of Session at a sitting of the Court.

*Ireland.*

Lord Lieutenant.  
 Lord Chancellor.  
 Commander of the Forces.  
 Chief Secretary for Ireland.

The oath as to Ireland is to be tendered by the Clerk of the Council, and taken at a meeting of the Privy Council in Ireland.

## SECOND PART.

*England.*

The Lord Chancellor of Great Britain.  
 The Lord Chief Justice.  
 The Master of the Rolls.  
 The Chief Justice of the Common Pleas.  
 The Chief Baron of the Exchequer.  
 The Lord Justices of the Court of Appeal in Chancery.  
 The Vice-Chancellors.  
 The Puisne Justices of the Queen's Bench.  
 The Puisne Justices of the Common Pleas.  
 The Puisne Barons of the Exchequer.  
 The Judge of the Admiralty Court.  
 The Recorder of London.  
 The Judge of the Probate Court.  
 Justices of the Peace for Counties and Boroughs.

*Scotland.*

The Lord Justice-General and President of the Court of Session in Scotland, the Lord Justice-Clerk of Scotland, the Judges of the Court of Session in Scotland, Sheriffs of Counties, and Justices of the Peace for Counties and Burghs.

*Ireland.*

The Lord Chancellor of Ireland.  
 The Lord Chief Justice.  
 The Master of the Rolls.  
 The Chief Justice of the Common Pleas.  
 The Chief Baron of the Exchequer.  
 The Lord Justice of the Court of Appeal in Chancery.  
 The Vice-Chancellor.  
 The Puisne Justices of the Queen's Bench.  
 The Puisne Justices of the Common Pleas.  
 The Puisne Barons of the Exchequer.  
 The Judge of the Probate Court.  
 The Judges of the Landed Estates Court.  
 The Judge of the Admiralty Court.  
 The Judges of the Court of Bankruptcy and Insolvency.  
 The Recorder of Dublin.  
 Justices of the Peace for Counties and Boroughs.

## REVENUE OFFICERS DISABILITIES REMOVAL ACT.

31 & 32 VICT. CAP. 73.

Sect.

SUMMARY.

Preamble.

1. Repeal of enactments in schedule repealed.

### THE STATUTE.

*An Act to relieve certain Officers employed in the Collection and Management of Her Majesty's Revenues from any legal Disability to vote at the Election of Members to serve in Parliament.—[31st July, 1868.]*

Whereas it is inexpedient that any person otherwise entitled to be registered as a voter should be incapacitated to vote at the election of a member or members to serve in Parliament, by reason of his being employed in the collection or management of Her Majesty's revenues: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Repeal of enactments in schedule repealed.*—The enactments contained in the schedule to this act are hereby repealed.

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### SCHEDULE.

22 Geo. 3, c. 41.

43 Geo. 3, c. 25.

7 & 8 Geo. 4, c. 53, s. 9.

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31 & 32 VICT. CAP. 74.

*An Act to extend the Powers of Poor-Law Inspectors and Medical Inspectors in Ireland.—[31st July, 1868.]*

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31 & 32 VICT. CAP. 75.

*An Act to amend the Law relating to Petit Juries in Ireland.—[31st July, 1868.]*



## 31 &amp; 32 VICT. CAP. 76.

*An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorise the Employment of the Non-commissioned Officers.—*  
*[31st July, 1868.]*

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DIVORCE AMENDMENT ACT, 1868.

31 &amp; 32 VICT. CAP. 77.

Sect.

## SUMMARY.

Preamble.

1 Interpretation.

2. Sect. 56 of 20 &amp; 21 Vict. c. 85, sect. 17 of 21 &amp; 22 Vict. c. 108, and sect. 3 of 23 &amp; 24 Vict. c. 144 repealed.

3. Appeals to House of Lords to be within one month—No appeal in undefended suits for dissolution unless by leave of court.

4. Liberty to parties to marry again.

5. Short title.

6. Qualified retrospective operation.

## INTRODUCTION.

The object of this act is to get rid of the delay which has hitherto occurred in the determination of divorce causes. The delay has chiefly been occasioned by appealing to the House of Lords, which has prevented the dissolution of the marriage, the subject of the suit, for several years. This has been much aggravated by the law which has hitherto prohibited the lodging of an appeal with the House of Lords, except when that House was sitting. That prohibition is now abolished. The time, moreover, allowed for appealing is shortened to one month after the decree absolute has been pronounced. By the bill, as originally framed, the appeal was to be lodged after the decree *nisi*, instead of waiting until it had been made absolute; it being argued in favour of this that the decree *nisi* was in reality the decree, which was to take effect on a certain future day unless the Queen's Advocate or some other party should intervene before that time; but the Government opposed this, as an appeal on a decree or rule *nisi* did not exist in any other court, and there

was no sufficient reason why it should be allowed in the Divorce Court.

As another means of shortening the time, the act has taken away the right of appeal in undefended cases, unless the Divorce Court, upon application made at the time of pronouncing the decree absolute, should permit such appeal. The removal of unnecessary delay in such proceedings as those instituted in the Divorce Court (as indeed in any other court of law) must be very desirable. It has been said that the effect of the delay in those suits for a dissolution of marriage has only been to enable parties to extort money by threats of appealing to the House of Lords.

#### THE STATUTE.

*An Act to amend the Law relating to Appeals from the Court of Divorce and Matrimonial Causes in England.*—[31st July, 1868.]

Whereas it is expedient to amend the law relating to appeals from the Court for Divorce and Matrimonial Causes with a view to prevent unnecessary delay in the final determination of suits for dissolution or nullity of marriage :

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Interpretation.*—Throughout this act the expression "the court" shall mean the Court for Divorce and Matrimonial Causes.

2. *Sect. 56 of 20 & 21 Vict. c. 85, sect. 17 of 21 & 22 Vict. c. 108, and sect. 3 of 23 & 24 Vict. c. 144 repealed.*—Section fifty-six of the act of twentieth and twenty-first Victoria, chapter eighty-five, section seventeen of the act of twenty-first and twenty-second Victoria, chapter one hundred and eight, and section three of the act of twenty-third and twenty-fourth Victoria, chapter one hundred and forty-four, are hereby repealed.<sup>(1)</sup>

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<sup>(1)</sup> The enactments here repealed are those giving a right of appeal to the House of Lords, either from the full court, or from the decision of the Judge Ordinary either alone or with any other judge. The appeal was to be within three months after the pronouncing the decision if Parliament was then sitting, otherwise within fourteen days next after its meeting.

3. *Appeals to House of Lords to be within one month—No appeal in undefended suits for dissolution unless by leave of court.*—Either party dissatisfied with the final decision of the court on any petition for dissolution or nullity of marriage may, within one calendar month after the pronouncing thereof, appeal therefrom to the House of Lords, and on the hearing of any such appeal the House of Lords may either dismiss the appeal or reverse the decree, or remit the case to be dealt with in all respects as the House of Lords shall direct: Provided always, that in suits for dissolution of marriage no respondent or co-respondent, not appearing and defending the suit on the occasion of the decree nisi being made, shall have any right of appeal to the House of Lords against the decree when made absolute, unless the court, upon application made at the time of the pronouncing of the decree absolute, shall see fit to permit an appeal.

4. *Liberty to parties to marry again.*—Section fifty-seven of the said act of twenty-first Victoria, chapter eighty-five, shall be read and construed with reference to the time for appealing as varied by this act; and in cases where under this act there shall be no right of appeal, the parties respectively shall be at liberty to marry again at any time after the pronouncing of the decree absolute.<sup>(\*)</sup>

5. *Short title.*—This act may be cited as "The Divorce Amendment Act, 1868."

6. *Qualified retrospective operation.*—This act shall extend to all suits pending at the time when the same shall come into operation, notwithstanding that a decree may have been pronounced therein: Provided nevertheless, that this act shall not affect any pending appeal, nor shall the same prejudice any subsisting right of appeal against a decree already pronounced, provided such appeal be lodged within one calendar month after this act shall come into operation.

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(\*) By sect. 57 of 20 & 21 Vict. c. 85, the parties are at liberty to marry again when the time thereby limited for appealing against the decree has expired and no appeal has been presented, or when any such appeal has been dismissed, or when, in the result of any appeal, the marriage has been declared to be dissolved.

## ADMIRALTY SUITS ACT.

31 &amp; 32 VICT. CAP. 78.

Sect.

## SUMMARY.

1. Short title.
2. "The Admiralty."
3. Power to Admiralty to institute actions, &c., as to naval stores, &c.
4. Style of Admiralty in suits, &c.
5. Costs in suits, &c.
6. Nothing to affect legal rights, &c., of the Crown, &c.
7. Power reserved to Her Majesty to proceed by information, &c.

## THE STATUTE.

*An Act to amend the Law relating to Proceedings instituted by the Admiralty; and for other Purposes connected therewith.—*  
[31st July, 1868.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Short title.*—This act may be cited as "The Admiralty Suits Act, 1868."

2. "*The Admiralty.*"—In this act the term "the Admiralty" means the Lord High Admiral of the United Kingdom for the time being, or the commissioners for the time being for executing the office of Lord High Admiral.

3. *Power to Admiralty to institute actions, &c., as to naval stores, &c.*—The Admiralty may institute any action, suit, or proceeding concerning naval or victualling stores, or other Her Majesty's stores, goods, or chattels under the charge or control of the Admiralty, or any stores, goods, or chattels sold or contracted to be delivered to or by the Admiralty for the use or on account of Her Majesty, or the price to be paid for the same, or any loss or injury of or to any such stores, goods, or chattels as aforesaid, or concerning any contract with the Admiralty relative to the execution of any work, or the doing of any thing, or concerning any matter arising under or in relation to any such contract, or concerning any periodical or other payment or due payable to the Admiralty, or concerning any debt, damages,

claim, demand, or cause of action or suit whatever arising out of any matter in anywise relating to the rights, powers, or duties of the Admiralty, or to property vested in or purchased by or being under the management or control of the Admiralty, in like manner and form (as nearly as may be) as if the question in dispute were one between subject and subject.

4. *Style of Admiralty in suits, &c.*—In any such action, suit, or proceeding the Admiralty may be styled “the Lord High Admiral of the United Kingdom” or “the commissioners for executing the office of Lord High Admiral of the United Kingdom” (as the case requires), without more; and any such action, suit, or proceeding shall not be affected by any change in the Admiralty.

5. *Costs in suits, &c.*—In any such action, suit, or proceeding the Admiralty shall be liable and entitled to pay or receive costs according to the ordinary law and practice relative to costs.

6. *Nothing to affect legal rights, &c., of the Crown, &c.*—Nothing in this act (except as expressly otherwise provided) shall take away or abridge in any such action, suit, or proceeding any legal right, privilege, or prerogative of the Crown; and in all such actions, suits, and proceedings, and in all matters and proceedings connected therewith, the Admiralty may exercise and enjoy all such rights, privileges, and prerogatives as are for the time being exercisable and enjoyable in any proceeding in any court of law or equity by the Crown as if the Crown were actually a party to such action, suit, or proceeding.

7. *Power reserved to Her Majesty to proceed by information, &c.*—Notwithstanding anything in this act, it shall be lawful for Her Majesty, her heirs and successors, if and when it seems fit to proceed by information in the Court of Exchequer, or by any other Crown process, legal or equitable, in any case in which it would have been competent for Her Majesty, her heirs or successors, so to proceed if this act had not been passed.

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## RAILWAY COMPANIES ACT.

31 &amp; 32 VICT. CAP. 79.

Sect.

## SUMMARY.

1. Continuance of restriction on execution against property.
2. Short title.

## THE STATUTE.

*An Act to further amend the Law relating to Railway Companies.*

—[31st July, 1868.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Continuance of restriction on execution against property.*  
—Section four of "The Railway Companies Act, 1867," and section four of "The Railway Companies (Scotland) Act, 1867," shall be read and have effect as if the first day of September, one thousand eight hundred and seventy were therein mentioned instead of the first day of September, one thousand eight hundred and sixty-eight.

2. *Short title.*—This act may be cited as "The Railway Companies Act, 1868."

## CONTAGIOUS DISEASES ACT.

31 &amp; 32 VICT. CAP. 80.

Sect.

## SUMMARY.

1. Meaning of the term "superintendent" in 29 & 30 Vict. c. 35.
2. This and recited act to be as one.

## THE STATUTE.

*An Act to amend the Contagious Diseases Act, 1866.*—

[31st July, 1868.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Meaning of the term "superintendent" in 29 & 30 Vict. c. 35.*—In the application of the provisions of "The Contagious

Diseases Act, 1866," to Ireland, the term "superintendent" mentioned in the second section of the said act shall include "head constable," or any other constable duly authorised by the inspector-general of the royal constabulary acting under the statutes for the time being in force relating to the royal constabulary force in Ireland to carry into effect the provisions of the said act.

2. *This and recited act to be as one.*—This act shall be read and construed as part of the said recited act.

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31 & 32 VICT. CAP. 81.

*An Act to authorise Loans of Public Money to the Portpatrick and the Belfast and County Down, Railway Companies, and a Payment to the Portpatrick Company, in Consequence of the Abandonment of the Communication between Donaghadee and Portpatrick.*—[31st July, 1868.]

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31 & 32 VICT. CAP. 82.

*An Act to abolish the Power of levying the Assessment known as "Rogue Money," and in lieu thereof to confer on the Commissioners of Supply of Counties in Scotland the Power of levying a "County General Assessment."*—[31st July, 1868.]

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31 & 32 VICT. CAP. 83.

*An Act to afford greater Facilities for the Ministrations of Army Chaplains.*—[31st July, 1868.]

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31 & 32 VICT. CAP. 84.

*An Act to amend in several Particulars the Law of Entail in Scotland.*—[31st July, 1868.]

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31 & 32 VICT. CAP. 85.

*An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending the Thirty-first Day of March, One thousand eight hundred and sixty-nine, and to appropriate the Supplies granted in this Session of Parliament.*—[31st July, 1868.]

## POLICIES OF MARINE ASSURANCE ACT.

31 &amp; 32 VICT. CAP. 86.

Sect.

SUMMARY.

Preamble.

1. Assignees of marine policies may sue thereon in their own names.
  2. Assignment by indorsement.
  3. Interpretation of terms.
  4. Short title.
- Schedule.

## THE STATUTE.

*An Act to enable Assignees of Marine Policies to sue thereon in their own Names.*(<sup>1</sup>)—[31st July, 1868.]

Whereas it is expedient that the assignees of marine policies of insurance should be enabled to sue thereon in their own names :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Assignees of marine policies may sue thereon in their own names.*—Whenever a policy of insurance on any ship, or on any goods in any ship, or on any freight, has been assigned so as to pass the beneficial interest in such policy to any person entitled to the property thereby insured, the assignee of such policy shall be entitled to sue thereon in his own name ; and the defendant in any action shall be entitled to make any defence which he would have been entitled to make if the said action had been brought in the name of the person by whom or for whose account the policy sued upon was effected.

2. *Assignment by indorsement.*—It shall be lawful to make any assignment of a policy of insurance by indorsement on the policy in the words or to the effect set forth in the schedule hereto.

3. *Interpretation of terms.*—For the purposes and in the construction of this act the term "policy of insurance" or "policy" shall mean any instrument by which the payment of money is assured or secured on the happening of any of the

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(<sup>1</sup>) By 30 & 31 Vict. c. 144, assignees of life policies may sue in their own names : (see *Pract. Stats.* 1867, p. 434.)



contingencies named or contemplated in the instrument of assurance known as "Lloyd's policy," or in any other form adopted for insuring ships, freights, and goods carried by sea.

4. *Short title.*—This act may be cited for all purposes as the "Policies of Marine Assurance Act, 1868."

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## SCHEDULE.

### FORM OF ASSIGNMENT.

I, *A.B.*, of, &c., do hereby assign unto *C.D.*, &c., his executors, administrators, and assigns, the within policy of assurance on the ship, freight, and the goods therein carried [*or on ship or freight or goods, as the case may be*].

In witness whereof, &c.

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### 31 & 32 VICT. CAP. 87.

*An Act to amend the Act of the Twenty-sixth and Twenty-seventh Years of the Reign of Her present Majesty, Chapter fifty-two, intituled "An Act to further extend and make compulsory the Practice of Vaccination in Ireland."*—[31st July, 1868.]

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### 31 & 32 VICT. CAP. 88.

*An Act for transferring the Fee and other Funds of the Courts of Chancery and Exchequer in Ireland to the Consolidated Fund.*—[31st July, 1868.]

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## TITHE COMMUTATION, &c., ACTS AMENDMENT ACT.

### 31 & 32 VICT. CAP. 89.

Sect.

#### SUMMARY.

1. Security for costs of inquiries to be taken by commissioners.
2. Valuations to be stamped.
3. Costs of taxation, how to be recovered.
4. Power to commissioners to enforce production of documents belonging to inclosure.
5. Commissioners to ascertain and allow proportionate payment to valuer or surveyor.
6. Commissioners to prepare a table of fees.

## THE STATUTE.

*An Act to alter certain Provisions in the Acts for the Commutation of Tithes, the Copyhold Acts, and the Acts for the Inclosure, Exchange, and Improvement of Land; and to make Provision towards defraying the Expense of the Copyhold, Inclosure, and Tithe Office.*—[31st July, 1868.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same.

Sect. 1. *Security for costs of inquiries to be taken by commissioners.*—That, notwithstanding any provisions in the said acts contained, in all proceedings upon applications made under any of the said acts by any person or persons interested within the meaning of the same, in which it is necessary or expedient, in the opinion of the commissioners, that an inquiry should be made by an assistant commissioner, and a meeting held by him, the commissioners, before they refer the same to such assistant commissioner, shall take such security as they shall deem right for the payment of any costs which they may incur in the matter of such inquiry and meeting, including all expenses of such assistant commissioner's attendance: Provided always, that it shall not be necessary for the commissioners to take security for the costs which they may incur relating to any inquiry which they may think it right to make under section twenty-two of "The Copyhold Act, 1852."

2. *Valuations to be stamped.*—In all cases of exchanges, partitions, or divisions of intermixed lands proposed to be effected under the said acts, the commissioners shall not proceed to carry the same into effect unless the valuations required to be furnished to them shall be duly stamped with a stamp, as required by the acts in force for the time being for levying stamp duties on appraisements; and all valuations attached to the reports of any university or college surveyor, made for the purpose of transactions to which the consent of the commissioners is required, under the Universities and College Estates Acts, shall in like manner be stamped before the commissioners shall issue their order authorising such transaction.

3. *Costs of taxation, how to be recovered.*—In all cases in which

any dispute as to the expenses incidental to an enfranchisement, or as to the compensation to be paid to the steward, shall be referred to the commissioners for their certificate, the costs incurred by them in ascertaining the same shall be paid to the commissioners, either by the person making such reference or applying for such certificate, or by the person whose costs are so taxed, as the commissioners, by order under their hands and seal, may direct, and such order shall state the amount of such costs; and the commissioners shall have power, by application to any county court, to recover the same from the person liable under such order, together with all costs of such application, and such order shall be conclusive evidence of such debt.

4. *Power to commissioners to enforce production of documents belonging to inclosure.*—In any case in which an inclosure has been authorised by Parliament, and a valuer appointed, it shall be lawful for the commissioners, at any time they shall see occasion, by an order under their hands and seal, to require such valuer, or any other person who shall have charge of or be in possession of any schedule, valuation, plan, report, award, or other document relating to such inclosure, to deliver the same to them at their office; and in default of such delivery within the time named in such order it shall be lawful for the commissioners to summons such valuer or other person before the judge of the county court for the county in which the lands or any part thereof authorised to be inclosed shall be situate; and the judge of such court shall, upon production of the order of the commissioners, give such direction to enforce such order, at the expense of the person neglecting or refusing to obey the same, as he is now by law enabled to give to compel the production of papers and documents before such court.

5. *Commissioners to ascertain and allow proportionate payment to valuer or surveyor.*—Where any such order has been made as aforesaid, or where any valuer has been removed under the provisions of the said acts, the commissioners shall, upon the application of the valuer or surveyor, his executors, administrators, or assigns, take such steps as they may see fit to ascertain the progress which has been made towards the completion of the inclosure, and determine and award under their hands and seal the sum to be paid to such valuer or surveyor, his executors, administrators, or assigns, in respect of his services, and the sum

so awarded, together with all costs incurred by the commissioners in ascertaining and determining the same, shall be a charge upon the landowners, and shall form part of the expenses of such inclosure, and shall be raised and defrayed in the same manner as the other expenses of such inclosure.

6. *Commissioners to prepare a table of fees.*—The commissioners shall, as soon as conveniently may be after the passing of this act, prepare a table or tables of fees to be taken in respect of the business transacted under the acts administered by them, and such table of fees shall be subject to the approval of the Lords Commissioners of Her Majesty's Treasury; and the commissioners may, with the like approval, from time to time alter, amend, add to, or reduce such fees or any of them; and every such table of fees, and every such alteration, amendment, addition, or reduction into or of the same, shall be published in the *London Gazette*, and shall be laid before Parliament; and all fees payable in accordance with such table or tables shall be received by stamps denoting the amount of fee payable, and not in money.

When any fee is payable in respect of any document, a stamp denoting the amount of fees shall be affixed to or impressed upon such document.

The Commissioners of Inland Revenue shall provide everything that is necessary for the collection of the moneys hereby directed to be paid by stamps, and shall keep a separate account of such stamps; and the provisions in the several acts for the time being in force relating to stamps under the care or management of the Commissioners of Inland Revenue shall apply to the stamps to be provided in pursuance of this act, and to any document on which such stamps may be affixed or impressed, and be applied and put into execution for collecting and securing the sums of money denoted thereby, and for detecting, preventing, and punishing all frauds, forgeries, and other offences relating thereto, as fully and effectually, to all intents and purposes, as if such provisions had been herein repeated and specially enacted with reference to such last-mentioned stamps.

The provisions herein enacted relating to fees shall be applicable to and take the place of the enactments relating to fees contained in the ninetieth and following section of "The Improvement of Land Act, 1864."

## PUBLIC DEPARTMENTS PAYMENTS ACT.

31 &amp; 32 VICT. CAP. 90.

Sect.

SUMMARY.

Preamble.

1. Treasury, &c., may, on death of persons in civil service entitled to sums under 100*l.*, direct payment thereof without production of letters of administration.
2. Extension of powers of War Department as to such payments to sums under 100*l.*
3. Indemnity.

THE STATUTE.

*An Act to empower certain Public Departments to pay otherwise than to Executors or Administrators small Sums due on Account of Pay or Allowance to Persons deceased.*—[31st July, 1868.]

Whereas by several acts of Parliament power is given to the Commissioners of the Admiralty and the Secretary of State for War and the Commissioners of Chelsea Hospital to cause to be paid to persons who may not have been authorised by law to act as executors or administrators of deceased persons limited sums of money due in respect of naval and military services to such deceased persons :

And whereas it is expedient to extend the power so given, so far as the military service is concerned, and to provide for the similar payment of sums due in respect of civil services :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Treasury, &c., may, on death of persons in civil service entitled to sums under 100*l.*, direct payment thereof without production of letters of administration.*—On the death of any person or persons to whom respectively any sum or sums of money not exceeding one hundred pounds may be payable by a public department in respect of civil pay or allowances or annuities granted under authority of Parliament, it shall be lawful for the Commissioners of Her Majesty's Treasury, or for such departments as may be deputed by such commissioners to exercise like powers in reference to claims payable upon their orders respectively, on being satisfied of the expediency of dispensing with probate or letters

of administration, to authorise the payment of such sum or sums to such person or persons as the said commissioners or departments may consider entitled thereto, without requiring the production of probate or of letters of administration, payment to be made under such regulations as to the said commissioners may seem fit.

2. *Extension of powers of war department as to such payments to sums under 100l.*—In the case of any civil or military allowances chargeable to the army votes and of army prize money, the sum not exceeding one hundred pounds, due at the death of a claimant may be dealt with by the Secretary of State for War, or the Commissioners of Chelsea Hospital, in accordance with the enactments already in force with respect to sums of lesser amount similarly due.

3. *Indemnity.*—Any payment made in pursuance of this act shall be valid against all persons whatever, and all persons acting under its provisions shall be absolutely discharged from all liability in respect of any moneys duly paid or applied by them under this act.

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31 & 32 VICT. CAP. 91.

*An Act to settle an Annuity upon Lieutenant-General Sir Robert Napier, G.C.B., G.C.S.I., and the next surviving Heir Male of his Body, in Consideration of his eminent Services.*—[31st July, 1868.]

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31 & 32 VICT. CAP. 92.

*An Act to declare the Powers of the General Assembly of New Zealand to abolish any Province in that Colony, or to withdraw from any such Province any Part of the Territory thereof.*—[31st July, 1868.]

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31 & 32 VICT. CAP. 93.

*An Act to remove Doubts respecting the Operation of the New Zealand Company's Act of the Ninth and Tenth Years of Victoria, Chapter Three hundred and eighty-two (Local and Personal).*—[31st July, 1868.]

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## 31 &amp; 32 VICT. CAP. 94.

*An Act to authorise the further Extension of the Period for Repayment of Advances made under the Railway Companies (Ireland) Temporary Advances Act, 1866.*—[31st July, 1868.]

## 31 &amp; 32 VICT. CAP. 95.

*An Act to amend the Procedure in the Court of Justiciary and other Criminal Courts in Scotland.*—[31st July, 1868.]

## 31 &amp; 32 VICT. CAP. 96.

*An Act to amend the Procedure in regard to Ecclesiastical Buildings and Glebes in Scotland.*—[31st July, 1868.]

## 31 &amp; 32 VICT. CAP. 97.

*An Act to make Provision for the Audit of Accounts of District Lunatic Asylums in Ireland.*—[31st July, 1868.]

## 31 &amp; 32 VICT. CAP. 98.

*An Act to make Provision for the Payment of Salaries to Clerks of the Peace and Clerks of the Crown in certain Boroughs in Ireland.*—[31st July, 1868.]

## TURNPIKE ACTS CONTINUANCE, &amp;c., ACT.

## 31 &amp; 32 VICT. CAP. 99.

## Sect.

## SUMMARY.

## Preamble.

1. Repeal of certain turnpike acts. Schedule 1.
2. Expiration of certain turnpike acts. Schedule 2.
3. Continuance of certain turnpike acts. Schedules 3 and 4.
4. Repeal of certain turnpike acts. Schedules 5 and 6.
5. Continuance of all other turnpike acts.
6. Extension of the operation of the act of 12 & 13 Vict. c. 46.
7. If road in repair, compensation may be given to officers of expired trust.
8. Sect. 3 of 30 & 31 Vict. c. 121 to apply to roads which previously became ordinary highways.
9. Short title.  
Schedules.

## THE STATUTE.

*An Act to continue certain Turnpike Acts in Great Britain, to repeal certain other Turnpike Acts, and to make further Provision concerning Turnpike Roads.*—[31st July, 1868.]

Whereas it is expedient to continue for limited times some of the acts hereinafter specified, and to repeal others :

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Sect. 1. Repeal of certain Turnpike Acts. Schedule 1.*—The acts specified in the first schedule annexed hereto shall be repealed on and after the thirty-first day of December, one thousand eight hundred and sixty-eight.

*2. Expiration of certain Turnpike Acts. Schedule 2.*—The acts specified in the second schedule annexed hereto shall expire at the time in that behalf mentioned in "The Annual Turnpike Acts Continuance Act, 1867."

*3. Continuance of certain Turnpike Acts. Schedules 3 and 4.*—The acts specified in the third and fourth schedules annexed hereto shall continue in force until the thirtieth day of June, one thousand eight hundred and seventy, unless Parliament in the meantime otherwise provides.

*4. Repeal of certain Turnpike Acts. Schedules 5 and 6.*—The acts specified in the fifth and sixth schedules annexed hereto shall be repealed on and after the thirtieth day of June, one thousand eight hundred and seventy, unless Parliament in the meantime otherwise provides.

*5. Continuance of all other Turnpike Acts.*—All other acts now in force for regulating, making, amending, or repairing any turnpike road in Great Britain which will expire at or before the end of the next session of Parliament shall continue in force until the first day of November, one thousand eight hundred and sixty-nine, and to the end of the then next session of Parliament.

*6. Extension of the operation of the act of 12 & 13 Vict. c. 46.*—Whereas provision is made by the act of the session of the twelfth and thirteenth years of the reign of Her present Majesty for the union of turnpike trusts in cases where the general



annual meetings of the trustees of two or more turnpike roads have been held at the same place, or places distant not more than ten miles from each other: And whereas it is expedient to extend the operation of the said act: Be it enacted, that the first section of the said act shall be construed as if the word "twenty" were substituted therein for the word "ten."

7. *If road in repair, compensation may be given to officers of expired trust.*—Where a turnpike road shall have become an ordinary highway, then, upon a certificate being given by two justices that such road was at the time at which it became a highway in complete and effectual repair, the trustees or commissioners of such road, at any meeting held by them in pursuance of the third section of "The Annual Turnpike Acts Continuance Act, 1865," may, out of any balances remaining in their hands after payment of all liabilities, award, if they see fit, to any person or persons whose offices expire with the trust, and who have held such offices for not less than ten years immediately preceding such meeting, such compensation as they may think just, not exceeding in any case the amount of three years salary.

8. *Sect. 3 of 30 & 31 Vict. c. 121 to apply to roads which previously became ordinary highways.*—The third section of the act of the session of the thirtieth and thirty-first years of Her present Majesty, chapter one hundred and twenty-one, shall apply to all roads which, having been turnpike roads, have become ordinary highways previous to the passing of the said act.

9. *Short title.*—This act may be cited for all purposes as "The Annual Turnpike Acts Continuance Act, 1868."

## SCHEDULES.

### FIRST SCHEDULE.

Acts which are to be repealed on and after the 31st of December, 1868.

Date of Act.	Title of Act.
11 Geo. 4, c. cxiii. ... <i>Limited to expire at end of session after 1st Nov. 1868.</i>	An Act for more effectually repairing the road from the town of Rickmersworth in the county of Hertford, through the village of Pinner, to or near the Swan public-house at Sudbury Common in the turnpike road leading from Harrow o London.

Date of Act.	Title of Act.
1 & 2 Vict. c. xlviii... <i>Limited to expire at end of session after 4th July, 1869.</i>	An Act for repairing and maintaining the road from Quebec to Homefield Lane End, all in the parish of Leeds, in the West Riding of the county of York, with a bridge or bridges on the line of such road.
17 Vict. c. xlviii. ... <i>Limited to expire at end of session, 2nd June, 1876.</i>	An Act to renew the term and continue the powers of an act passed in the ninth year of the reign of his Majesty King George the Fourth, intituled "An Act for more effectually repairing and improving the Roads from Kippings Cross to Wilsley Green, and from a Place near Goudhurst Gore to Stilebridge, and from Underden Green to Wanshutt Green, all in the county of Kent," <i>so far as the same relates to the Kippings Cross to Wilsley Green, or first district of roads.</i>

## SECOND SCHEDULE.

Acts which are to expire on the date (1st November, 1868)  
mentioned in 30 & 31 Vict. c. 121.

Date of Act.	Title of Act.
55 Geo. 3, c. li. ...	An Act for amending the road from Keighley to Bradford, and for making and maintaining a branch therefrom, all in the West Riding of the county of York.
57 Geo. 3, c. xxvii. ...	An Act for more effectually improving the road from Richmond in the county of York to Lancaster in the county of Lancaster, and the road from Richmond to Lucy Cross, and from Gilling to the turnpike road on Gatherley Moor, in the county of York, <i>so far as the same relates to the Richmond and Lancaster-road, eastern district.</i>
1 Geo. 4, c. lxix. ...	An Act for repairing and improving several roads leading into and from Devizes in the county of Wilts.
3 Geo. 4, c. lxxxviii....	An Act for more effectually repairing and improving the road from a place called the Old Gallows, in the parish of Sonning, otherwise Sunning, in the county of Berks, through Wokingham, New Bracknowl, and Sunninghill, to Virginia Water in the parish of Egham in the county of Surre

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County.	Name of Trust.	No. of Act
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	Bingham ... ..	26
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	Foston Bridge to Little Drayton ...	25
	Nottingham and Kettering, Northern Division.	38
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	Oakham ... ..	14
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Stafford ... ..	Birmingham and Wednesbury ...	81
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	Streetway and Wordsley Green, and Wolverhampton and Cannock.	69
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	Walsall (United) ... ..	75
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Date of Act.	Title of Act.
33 Geo. 3, c. cxxviii.	1. An Act for more effectually repairing the roads from Ipswich to the Scole Inn-road, and from Claydon to the Bury St. Edmund's-road, at the end of the bounds of the parish of Hawleigh, and from Yaxley Bull to Eye, and from Eye to Lanthorn Green, in the county of Suffolk.
51 Geo. 3, c. cviii....	2. An Act for enlarging the term and powers of an act of his present Majesty, for repairing the roads from Ipswich to the Scole Inn-road, and from Claydon to the Bury St. Edmund's-road, and from Yaxley Bull to Eye and Lanthorn Green, in the county of Suffolk.
35 Geo. 3, c. xi. ...	3. An Act for enlarging the term and powers of two acts of his present Majesty, for repairing and widening the road from Bawtry in the county of York to East Markham Common in the county of Nottingham, and from Little Drayton to Twyford Bridge in the said county of Nottingham.

Date of Act.	Title of Act.
53 Geo. 3, c. xii. ...	4. An Act for enlarging the term and powers of two acts of his present Majesty, for repairing and widening the road from Dunham Ferry to the south end of Great Markham Common in the county of Nottingham.
53 Geo. 3, c. xliii....	5. An Act for enlarging the term and powers of two acts of his present Majesty, for repairing the road from the Eaton Bridge turnpike road at Cockham Hill in the parish of Westerham in the county of Kent to the turnpike road from Croydon to Godstone in the county of Surrey.
54 Geo. 3, c. cxxi. ...	6. An Act for continuing and amending an act of his present Majesty, for repairing the road from Dunstable to Hockliffe in the county of Bedford.
54 Geo. 3, c. cxxiv.	7. An Act for repairing the road from Saint Lloyds in the town of Bedford in the county of Bedford to the turnpike road leading from Olney to Newport Pagnell in the county of Buckingham.
55 Geo. 3, c. xlix....	8. An Act for more effectually repairing the road from Jesus-lane in the town of Cambridge to Newmarket Heath in the county of Cambridge.
55 Geo. 3, c. lxii. ...	9. An Act for enlarging the term and powers of four acts of his present Majesty, for repairing several roads leading from Fisherton, Wilton, Heytesbury, and other places in the county of Wilts, and for diverting the line of part of the said roads.
56 Geo. 3, c. 1. ...	10. An Act for enlarging the term and powers of two acts of his present Majesty, for repairing the road from Chapel on the Heath in the county of Oxford to Bourton on the Hill in the county of Gloucester.
56 Geo. 3, c. xxxi....	11. An Act for continuing the term and altering and enlarging the powers of an act of the fortieth year of his present Majesty, for improving the roads leading from the town of Leominster in the county of Hereford.
56 Geo. 3, c. lxxviii.	12. An Act for enlarging the term and powers of several acts for amending the road from the end of the town close in the county of the city of Norwich to the chalk pits near Thetford in the county of Norfolk.
57 Geo. 3, c. xxvi.	13. An Act for amending the roads leading from Basingstone near Bagshot, through

Date of Act	Title of Act.
.	Farnham in the county of Surrey, and Alton and New Alresford, to Winchester in the county of Southampton; <i>so far as the same relates to the upper district of roads.</i>
57 Geo. 3, c. xlv....	14. An Act for continuing and amending an act of his present Majesty, for repairing the road from Stamford in the county of Lincoln, through Oakham, to the Great North-road in the parish of Greetham in the county of Rutland.
57 Geo. 3, c. lxxviii.	15. An Act for enlarging the term and powers of an act of his present Majesty, for repairing the road from Cambridge to the Old North-road, near Arrington Bridge in the county of Cambridge.
58 Geo. 3, c. ii. ...	16. An act to continue the terms and alter and enlarge the powers of three acts passed in the twenty-third year of the reign of his late Majesty King George the Second, and in the eleventh and thirty-seventh years of his present Majesty's reign, for repairing the road from the city of York to Boroughbridge in the county of York.
58 Geo. 3, c. v. ...	17. An Act for enlarging the term and powers of two acts of his present Majesty, for repairing the roads leading from the city of Gloucester towards Cheltenham and Tewkesbury in the county of Gloucester.
58 Geo. 3, c. xliii....	18. An Act for more effectually repairing and improving the road leading from Studley Bridge, through the borough of Chippenham, to Pickwick, and from the east end of Chippenham Bridge to Lower Stanton, and from the east end of the said bridge to join the road at Draycot Cerne in the county of Wilts.
58 Geo. 3, c. lxxxii.	19. An Act to continue the term and enlarge the powers of an act of his present Majesty, for repairing the road at or near Beckhampton and other roads in the said act mentioned in the county of Wilts.
59 Geo. 3, c. i. ...	20. An Act to continue the term and alter and enlarge the powers of three acts of his late and present Majesty's reign, for repairing the roads therein respectively mentioned and described, in the county of York, so far as the said acts relate to the road leading from the south-west corner of the inclosures of Harrogate, through Knaresborough to Boroughbridge.



Date of Act.	Title of Act.
59 Geo. 3, c. cxxiv.	21. An Act for enlarging the term and powers of an act, passed in the thirty-fourth year of the reign of his present Majesty, for repairing the roads leading from the town of Tewkesbury in the county of Gloucester, and other roads therein mentioned, so far as such act relates to the road from Stump Cross, in the parish of Didbrook to Stow-on-the-Wold in the county of Gloucester.
1 & 2 Geo. 4, c. v.	22. An Act for amending and repairing the road from Leeds to Wakefield in the county of York.
1 & 2 Geo. 4, c. xvii.	23. An Act for continuing and amending four acts of their late Majesties King George the Second and King George the Third, for repairing the roads leading from Wade's Mill in the county of Hertford to Barley and Royston in the said county.
1 & 2 Geo. 4, c. xxvii.	24. An Act for more effectually making, repairing, and improving the road from near the place where the Broil Park Gate formerly stood to the Horsebridge turnpike road on the Dicker, and from the blacksmith's shop in Horsebridge-street to the town of Battle in the county of Sussex.
1 & 2 Geo. 4, c. xxix.	25. An Act for continuing the term and amending, altering, and enlarging the powers of an act of his late Majesty's reign for more effectually repairing the road from Foston Bridge in the county of Lincoln to Little Drayton in the county of Nottingham.
1 & 2 Geo. 4, c. xxx.	26. An Act for more effectually repairing and improving the road from Newark-upon-Trent in the county of Nottingham, to join the road from Nottingham to Grant-ham in the county of Lincoln, near the guide post on the Foss-road near Bingham in the said county of Nottingham.
1 & 2 Geo. 4, c. lvi.	27. An Act to continue the term and alter and enlarge the powers of two acts, for repairing the roads from Sheet Bridge to Portsmouth, and from Petersfield to the Alton turnpike road near Ropley, in the county of Southampton.
1 & 2 Geo. 4, c. lxxxiv.	28. An Act for repairing the road from Al-mouth, through Alnwick and Rothbury, to Hexham, and a branch from the said road between Alnwick and Rothbury to Jockey's Dike Bridge, all in the county of Northumberland; <i>so far as the same relates to the eastern district.</i>

Date of Act.	Title of Act.
1 & 2 Geo. 4, c. lxxxvi.	29. An Act to continue and amend two acts for repairing the road from the turnpike road near the town of Weston-on-the-Green in the county of Oxford to the turnpike road on Kidlington Green in the said county.
1 & 2 Geo. 4, c. cix.	30. An Act to continue the term and alter and enlarge the powers of three acts, so far as relates to the roads from the top of Crickley Hill in the county of Gloucester, to and through Northleach, Burford and Witney, to Campsfield, and the turnpike road at or near Enslow Bridge in the county of Oxford.
3 Geo. 4, c. ii. ...	31. An Act for repairing and maintaining certain roads leading to and from Chepstow and other places in the counties of Monmouth and Gloucester, called the district of Chepstow and the New Passage district.
3 Geo. 4, c. lxi. ...	32. An Act for repairing and amending several roads leading to and from the borough of Evesham in the county of Worcester, and several other roads in the counties of Worcester and Gloucester; <i>so far as the same relates to the second district, and to the Pershore division of the first district.</i>
3 Geo. 4, c. xc. ...	33. An Act for more effectually repairing the road from the guide post near the end of Drayton-lane, near Banbury in the county of Oxford, to the house called the Sun Rising, at the top of Edge Hill in the county of Warwick.
3 Geo. 4, c. c. ...	34. An Act for amending, widening, and keeping in repair the roads leading from the town of Northampton to Chain Bridge, near the town of Market Harborough, and from the direction post in Kingsthorpe to Welford Bridge, all in the county of Northampton.
4 Geo. 4, c. xii. ...	35. An Act for more effectually making, repairing, and improving the roads from Union Point near Uckfield to the sea houses in Eastbourne, and from Horsebridge to Cross in Hand, all in the county of Sussex.
4 Geo. 4, c. xv. ...	36. An Act for repairing and improving the roads from the town of Stockbridge to the city of Winchester, and from the said city of Winchester to the top of Stephen's Castle Down, near the town of Bishop's Waltham in the county of Southampton,

Date of Act.	Title of Act.
	and from the said city of Winchester, through Otterborne, to Bar Gate in the town and county of the town of Southampton, and certain roads adjoining thereto; <i>so far as the same relates to the south district of the Southampton-road.</i>
4 Geo. 4, c. lv. ...	37. An Act for more effectually amending the roads from the Little Bridge over the end of the drain near Wisbeach River, lying between Roper's Fields and the Bell Inn in Wisbeach in the Isle of Ely, to the west end of Long Bridge in South Lynn in the borough of King's Lynn in the county of Norfolk, and for amending, improving, and keeping in repair certain other roads therein mentioned, in the said county of Norfolk.
4 Geo. 4, c. lvi. ...	38. An Act for continuing the term and powers of an act of his late Majesty's reign, for repairing the road from the north end of Bridgford-lane in the county of Nottingham to the Bowling Green at Kettering in the county of Northampton.
4 Geo. 4, c. lxxxi.	39. An Act for amending and keeping in repair the roads from Dover to Barham Downs, and from Dover to the town of Folkestone, and from thence through the parish of Folkestone to Sandgate in the county of Kent; <i>so far as the same relates to the Dover to Barham Downs-road.</i>
4 Geo. 4, c. cxi. ...	40. An Act for more effectually repairing the road from Wansford Bridge in the county of Northampton to Stamford, and from Stamford to Bourn in the county of Lincoln; <i>so far as the same relates to the Bourn district.</i>
5 Geo. 4, c. viii. ...	41. An Act for amending, improving, and keeping in repair the roads leading from Wetherby to Knaresborough in the West Riding of the county of York.
5 Geo. 4, c. ix. ...	42. An Act for amending and maintaining the roads from the Hand and Post at the top of Burford-lane in the county of Gloucester to Stow-on-the-Wold, and from thence to Paddlebrook; and from the Cross Hands on Salford Hill in the county of Oxford to the Hand and Post in the parish of Withington in the county of Gloucester.
5 Geo. 4, c. xliii. ...	43. An Act for repairing the road from Dunchurch to Stonebridge in the county of Warwick.

Date of Act.	Title of Act.
5 Geo. 4. c. lxxxviii.	44. An Act for more effectually repairing the roads leading from Saint Dunstan's Cross to North-lane near to the city of Canterbury, and to the sea-side at Whitstable in the county of Kent, and for widening and improving the road from North-lane aforesaid, over West Gate Bridge, to the West Gate of the said city, and for making a foot bridge on each side of the said bridge and gate into the said city.
6 Geo. 4. c. xi. ...	45. An Act for making and maintaining a turnpike road from Midhurst in the county of Sussex to the London and Portsmouth turnpike road between the fifty-second and fifty-third milestones near Sheet Bridge in the county of Southampton.
6 Geo. 4. c. xxviii...	46. An Act for more effectually amending, widening, improving, and keeping in repair the road from Wooler to the Great North turnpike road at or near to Adderstone-lane in the county of Northumberland.
6 Geo. 4. c. lxxxi....	47. An Act for more effectually repairing, widening, altering, and improving the road from Melton Mowbray in the county of Leicester to the guide post in St. Margaret's Field, Leicester, and the road branching from the said road, at or near a certain place in the lordship of Barkby in the said county called the Round Hill, to the town of Barkby.
6 Geo. 4. c. clviii...	48. An Act for amending and maintaining the road from the north end of Old Malton Gate in the town and borough of New Malton to the town of Pickering in the county of York.
7 Geo. 4. c. xvi. ...	49. An Act for more effectually repairing and improving the roads from Manchester in the county palatine of Lancaster to Salter's Brook in the county palatine of Chester, and for making and maintaining several extensions or diversions of road, and a new branch of road to communicate therewith.
7 Geo. 4. c. xxii. ...	50. An Act for repairing the road from Birmingham to Watford Gap in the parish of Sutton Coldfield in the county of Warwick, and other roads communicating therewith; <i>so far as the same relates to the Kingsbury branch road.</i>

Date of Act.	Title of Act.
7 Geo. 4, c. xxiv. ...	51. An Act for more effectually repairing the roads from Littlegate at the top of Leadenham Hill in the county of Lincoln to Newark-upon-Trent, and from Newark-upon-Trent to Mansfield, and from Southwell to the south end of the town of Oxtou in the county of Nottingham; <i>so far as the same relates to the eastern district.</i>
7 Geo. 4, c. lxxv. ...	52. An Act for more effectually amending, widening, altering, improving, and maintaining the road from the town of Alnwick in the county of Northumberland, by Eglington and Chatton, to the Great North turnpike road, near to Haggerston toll bar in the county of Durham.
7 Geo. 4, c. lxxviii.	53. An Act for making, maintaining, and repairing certain roads, leading into and from the town of Tewkesbury in the county of Gloucester, towards the cities of Gloucester and Worcester, and the towns of Cheltenham, Stow-on-the-Wold, Evesham, and Pershore, and certain other roads therein mentioned in the counties of Gloucester and Worcester.
7 & 8 Geo. 4, c. xvi.	54. An Act for more effectually repairing the roads from the city of Gloucester to the top of Birdlip Hill, and from the foot of the said hill to the top of Crickley Hill in the county of Gloucester.
7 & 8 Geo. 4, c. li...	55. An Act for amending, improving, and maintaining in repair the road between the point at which the great roads from the city of Carlisle to the cities of Edinburgh and Glasgow respectively separate, and Westlinton Bridge in the county of Cumberland.
7 & 8 Geo. 4, c. liv.	56. An Act for repairing the road from Dunchurch to Hillmorton in the county of Warwick, and from thence to Saint James's End in the parish of Duston in the county of Northampton.
7 & 8 Geo. 4, c. lxii.	57. An Act for more effectually repairing and improving the road from Frodsham to the south end of Wilderspool Causeway, within Appleton, in the county palatine of Chester; and for making and maintaining a certain extension or new branch of road to communicate therewith.
7 & 8 Geo. 4, c. xcv.	58. An Act for more effectually repairing and otherwise improving the road from Crossford Bridge in the county palatine of

Date of Act.	Title of Act.
	Lancaster to Altrincham in the county palatine of Chester.
7 & 8 Geo. 4, c. xcix.	59. An Act for repairing the road from the city of York to Kexby Bridge, and from Grimston to the upper end of Stone Dale, in the county of York.
9 Geo. 4, c. xviii. ...	60. An Act for more effectually repairing the road from Footscray, by Wrotham Heath, to Maidstone, and from the said road into the road from Mereworth to Hadlow, and for making and maintaining a road from the said road at Wrotham Heath to Teston, and from the said road from Mereworth to Hadlow to Saint Leonard's-street, in the parish of West Malling, all in the county of Kent.
9 Geo. 4, c. xxxiv...	61. An Act for repairing the road from Spermal Ash in the county of Warwick, through Studley, to Birmingham.
9 Geo. 4, c. xxxvi.	62. An Act for more effectually repairing the roads from the town of Cambridge to the Wadesmill turnpike road in the parishes of Great Chishill and Little Chishill in the county of Essex, and from the said town of Cambridge to Royston in the county of Cambridge.
9 Geo. 4, c. xlv. ...	63. An Act for repairing the road leading from Ipswich to South Town, and from the said road, at or near Beech-lane in the parish of Darsham, to Bungay in the county of Suffolk.
9 Geo. 4, c. lxxxiii.	64. An Act for amending, diverting, and improving the present roads, and making and maintaining certain new roads between the towns of Birstal and Huddersfield, in the West Riding of the county of York.
10 Geo. 4, c. xx. ...	65. An Act for more effectually improving and repairing the road leading from the turnpike road at Wrotham Heath in the county of Kent to the turnpike road leading from Croydon to Godstone in the county of Surrey.
10 Geo. 4, c. liii. ...	66. An Act for repairing the road from the east end of the town of Newmarket over Newmarket Heath to the turnpike road to Stump Cross in the counties of Cambridge and Suffolk, and the road branching out of the aforesaid road near the Devil's Ditch on Newmarket Heath to the present turnpike road to Cambridge.

Date of Act.	Title of Act.
10 Geo. 4, c. lxi. ...	67. An Act for repairing the road leading from Tonbridge to Maidstone in the county of Kent.
10 Geo. 4, c. lxxviii.	68. An Act for more effectually repairing the road from James Deeping Stone Bridge to Peter's Gate in Stamford in the county of Lincoln, and from thence to the south end of the town of Morcott in the county of Rutland.
10 Geo. 4, c. lxxix....	69. An Act for improving and maintaining certain roads in the counties of Worcester, Warwick, Stafford, and Salop, called "the Dudley, Birmingham, Wolverhampton, and Streetway district; <i>so far as the same relates to the Streetway and Wordsley Green and Wolverhampton and Cannock roads.</i>
10 Geo. 4, c. lxxxiii.	70. An Act for consolidating the trusts of certain roads called "the Blue Vein and Bricker's Barn turnpike roads," in the counties of Wilts and Somerset, and for more effectually repairing and improving the same.
11 Geo. 4, c. ix. ...	71. An Act for more effectually repairing the roads to and from Longtown, and certain other roads communicating therewith, in the county of Cumberland.
11 Geo. 4, c. xxxiv.	72. An Act for more effectually repairing and otherwise improving several roads from Radstock to Buckland Dinham, Kilmersdon, Babington, and Hallastrow, and from Norton Down to Norton St. Philip, in the county of Somerset.
11 Geo.4,& 1 Will.4, c. xc.	73. An Act for repairing the road from Foston Bridge to the division stone on Witham Common in the county of Lincoln.
11 Geo. 4, c. civ. ...	74. An Act for more effectually repairing the roads from Hand Cross, through Cowfold, to Corner House, and from thence to the turnpike road from Horsham to Steyning, and from Corner House aforesaid to the Maypole in the town of Henfield, and certain branches therefrom, all in the county of Sussex; <i>so far as the same relates to the branch road.</i>
11 Geo.4,& 1 Will.4, c. cvi.	75. An Act for improving and maintaining the road leading from Walsall to Muckley Corner near Lichfield, and other roads, in the county of Stafford.
1 Will. 4, c. vii. ...	76. An Act for more effectually maintaining the road from Crossford Bridge to the town of Manchester in the county pala-

Date of Act.	Title of Act.
1 & 2 Will. 4, c. xiv.	<p>tine of Lancaster, and for making a branch road to communicate therewith.</p> <p>77. An Act for more effectually repairing the road from Norwich to Cromer in the county of Norfolk, and two branches of road leading towards Holt and towards Wolterton in the said county.</p>
1 & 2 Will. 4, c. xxi.	<p>78. An Act for more effectually repairing the roads from the borough of King's Lynn, and other roads therein mentioned, and for making a new line of road at Castle Rising, all in the county of Norfolk.</p>
1 & 2 Will. 4, c. xxv.	<p>79. An Act for repairing and improving certain roads in the counties of Stafford and Salop, leading to and from the town of Wolverhampton in the county of Stafford.</p>
1 & 2 Will. 4, c. xxxvii.	<p>80. An Act for maintaining the road from Wakefield to Austerlands in the West Riding of the county of York.</p>
2 Will. 4, c. vi. ...	<p>81. An Act for more effectually maintaining and improving the roads from Birmingham to Wednesbury, and to Great Bridge, and from thence to the Portway adjoining the Bilston and Wednesbury turnpike road, and to Nether Trindle near Dudley, and from Trowse-lane in the parish of Wednesbury to Darlaston, in the counties of Warwick, Stafford, and Worcester; and for making new branches of road communicating therewith.</p>
2 Will. 4, c. xvi. ...	<p>82. An Act for more effectually improving the road from Burford to Banbury in the county of Oxford, and from Burford to the road leading to Stow in the county of Gloucester, and from Swerford Gate in the county of Oxford to the road in Aynho in the county of Northampton; and for making a new branch of road to communicate with the same.</p>
2 Will. 4, c. xx. ...	<p>83. An Act for more effectually repairing and otherwise improving the road from Doncaster to Bawtry in the county of York.</p>
2 Will. 4, c. xxii. ...	<p>84. An Act for more effectually repairing the road leading from Boroughbridge in the county of York to the city of Durham, and for making and maintaining certain deviations therein; <i>so far as the same relates to that part of the road situate in the county of York.</i></p>



Date of Act.	Title of Act.
2 Will. 4, c. xxxi v.	85. An Act for more effectually repairing the road from the Sessions House in the town of Buckingham to Hanwell in the county of Oxford; <i>so far as the same relates to the lower division.</i>
2 Will. 4, c. li. ...	86. An Act for maintaining several roads leading to and from the town of Tamworth in the counties of Stafford and Warwick.
2 Will. 4, c. lxxi. ...	87. An Act for more effectually repairing the first district of the road from Coleshill, through the city of Lichfield and the town of Stone, to the end of the county of Stafford in the road leading towards Chester, and several other roads in the counties of Warwick and Stafford and city and county of the city of Lichfield.
2 Will. 4, c. xoviii.	88. An Act for repairing and improving the road from the Great Bridge in the borough of Warwick, through Southam and Daventry, to the town of Northampton.
3 Will. 4, c. xv. ...	89. An Act for more effectually repairing the road from the city of Norwich to the Windmill in the town of Watton in the county of Norfolk, and for making a new branch of road to communicate therewith.
3 Will. 4, c. xvi. ...	90. An Act for repairing the road from Wells-bourn Mountfort to Stratford-upon-Avon in the county of Warwick.
3 Will. 4, c. xxxix.	91. An Act for more effectually repairing, altering, widening, and otherwise improving the road from Ber-street Gates in the city of Norwich to New Buckenham in the county of Norfolk.
3 Will. 4, c. xli. ...	92. An Act for repairing the road from Upton in Ratley to Great Kington and Wellesbourne Hastings in the county of Warwick.
3 Will. 4, c. xlii. ...	93. An Act for more effectually repairing the several roads leading from the towns of Hertford and Ware and other places in the county of Hertford.
3 Will. 4, c. xliii. ...	94. An Act for more effectually repairing the road from Lewes to BRIGHTHELMSTON in the county of Sussex.
3 Will. 4, c. lv. ...	95. An Act for more effectually repairing the roads leading from the city of Gloucester towards the city of Hereford, and also towards Newent and Newnham in the county of Gloucester, Ledbury in the county of Hereford, and Upton-upon-Severn in the county of Worcester.

Date of Act.	Title of Act.
3 Will. 4, c. lvi. ...	96. An Act for more effectually repairing the road from the north end of the road called the Coal-road, near West Auckland in the county of Durham, to the Elsdon-road, near Elishaw in the county of Northumberland.
3 Will. 4, c. lvii. ...	97. An Act to amend an act passed in the seventh year of the reign of his late Majesty King George the Fourth, for repairing the roads from Manchester to Salter's Brook, and for making several roads to communicate therewith; and also for making a certain new extension or diversion of the said roads instead of a certain extension or diversion by the said act authorised to be made.
3 & 4 Will. 4, c. lxxxiii.	98. An Act for repairing, maintaining, and improving the road from Tadcaster Bridge within the county of the city of York to Hob Moor Lane End.
3 & 4 Will. 4, c. xcvi.	99. An Act for more effectually repairing the road from Bury St. Edmund's to Newmarket in the counties of Suffolk and Cambridge.
5 Will. 4, c. xx. ...	100. An Act for repairing the road from Farnborough to Riverhill in the parish of Sevenoaks in the county of Kent, and for making several diversions in the said road.
5 Will. 4, c. xl. ...	101. An Act for more effectually repairing the road from Saint Benedict's Gate in the county of the city of Norwich to Swaffham in the county of Norfolk, and from Halfpenny Bridge in Honingham to the bounds of Yaxham, and also a lane called Hangman's-lane, near the gates of the said city.
5 & 6 Will. 4, c. lxi.	102. An Act for improving and more effectually repairing the several roads leading into and from the city of Worcester; <i>so far as the same relates to the first, second, third, fourth, fifth, sixth, and seventh districts of roads.</i>
5 & 6 Will. 4, c. lxii.	103. An Act for repairing the roads from Sevenoaks Common to Woodsgate, Tunbridge Wells, and Kipping's Cross, and from Tunbridge Wells to Woodsgate, in the county of Kent.
6 Will. 4, c. ii. ...	104. An Act to amend an act passed in the fifth year of the reign of his present Majesty, for repairing the road from Farnborough to Riverhill in the parish of

Date of Act.	Title of Act.
	Sevenoaks in the county of Kent; and for making a new line of road to communicate therewith.
6 Will. 4, c. l. ...	105. An Act for the more effectually repairing, improving, and maintaining the road from the town of Ashford to the town of Maidstone in the county of Kent.
6 Will. 4, c. lxxxv.	106. An Act to amend an act passed in the ninth year of the reign of King George the Fourth, for diverting, improving, and maintaining the roads between the towns of Birstal and Huddersfield in the West Riding of the county of York.
7 Will. 4, c. xvii. ...	107. An Act for amending an act of his present Majesty, for repairing the roads from Sevenoaks Common to Woodsgate, Tunbridge Wells, and Kipping's Cross, and from Tunbridge Wells to Woodsgate in the county of Kent.
6 & 7 Vict. c. xxvi.  .	108. An Act for repairing and improving certain roads in the neighbourhood of Trentham and Stone in the county of Stafford, and for making and maintaining a new road from Trentham Inn to the Newcastle-under-Lyme and Market Drayton turnpike road in the same county, and another new piece of road in the parish of Trentham aforesaid; <i>so far as the same relates to the Walton in Stone to Eccleshall, or second district of roads.</i>
11 & 12 Vict. c. cxxxvii.	109. An Act to enable the trustees of the Worcester turnpike road to make certain new roads, and to improve and more effectually maintain the several roads leading into and from the city of Worcester; <i>so far as the same relates to the first, second, third, fourth, fifth, sixth, and seventh districts of roads.</i>
11 & 12 Vict. c. cxlvi.	110. An Act for altering and amending an act passed for maintaining the road from Crossford Bridge to Manchester, and a branch connected therewith.

## FOURTH SCHEDULE.

(Turnpike Trusts nearly out of Debt and continued by the Annual Turnpike Acts Continuance Act.)

Acts which are to continue until the 30th of June, 1870, unless Parliament in the meantime otherwise provides.

County.	Name of Trust.	Tolls in 1866.	Debt in 1866.		No. of Act.
				Per Cent.	
		£	£	£	
Bedford ...	Barford ... ..	430	183	5	4
	Hitchin and Bedford ...	554	34	4	36
Berks ...	Reading and Basingstoke	860	200	5	11
Chester ...	Macclesfield, District of the Sandon.	880	345	4	15, 22
	Span Smithy, Booth- lane, and Winsford.	400	72	5	10
Derby ...	Nottingham road: from Derby to Risley.	570	350	4	25
Durham ...	Boroughbridge and Dur- ham (part).— <i>See also</i> <i>No. 84 in Third Schedule.</i>	925	580	5	32
	Bowes and Sunderland Bridge.	1,037	100	5	2, 5
	Darlington and Cocker- ton Bridge (United).	687	250	5	35
Essex ...	Epping and Ongar ...	1,413	500	5	37
	Hockerill ... ..	1,127	250	5	27
Hants ...	Winchester and Alton, Lower District.— <i>See</i> <i>also No. 13 in Third</i> <i>Schedule.</i>	450	300	4½	6
Hereford ...	Blue Mantle Hall... ..	355	200	5	17
Hunts ...	Godmanchester to Cam- bridge.	676	260	4	3
Kent ...	Dartford and Strood ...	1,146	600	4½ & 5	12
Lancaster ...	Barton Bridge and Moses' Gate.	1,352	500	4½	19
	Hulton ... ..	767	50	5	23
	Manchester, Oldham, and Austerlands.	3,939	1,857	5	39
	Pendleton roads ... ..	8,248	973	4	41
	Penwortham & Wright- ington.	1,006	400	5	18
Leicester ...	Burton Bridge to Mar- ket Bosworth.	1,250	50	5	28
Lincoln ...	Bridge End ... ..	499	250	5	21
Northampton	Wansford & Stamford.— <i>See also No. 40 in Third</i> <i>Schedule.</i>	288	25	4	14

County.	Name of Trust.	Tolls in 1866.	Debt in 1866.		No. of Act.
				Per Cent.	
Nottingham .	Nottingham and Derby, Eastern Division.	£ 837	£ 250	4	25
Oxford... ..	Barrington and Camps- field.	470	100	5	34
Somerset ...	Frome ... ..	1,694	1,100	4½	31
Stafford ...	Ashby-de-la-Zouch to Tutbury.	1,258	150	5	16
Warwick ...	Newport and Stonnall...	538	200	5	8
	Walsall and Hamstead .	527	250	4½	30
	Birmingham and Strat- ford-on-Avon.	1,095	300	4½	9
	Coventry and Wolvey .	279	41	4	1
	Warwick, Paddlebrook, and Stratford.	738	200	4½	24
Worcester ...	Birmingham and Broms- grove.	953	392	4	29
	Dudley and Brettell-lane (United with Dudley, Pedmore, and Rowley Trust, see No. 9 in Sixth Schedule.)	—	—	—	33
York ... ..	Tenbury ... ..	450	200	4	13
	Dewsbury and Ealand .	1,660	624	5	38
	Halifax and Sheffield:	1,002	400	4	7
	Huddersfield to Peni- stone.				
	Rotherham and Swinton	855	457	4	26
Denbigh ...	Rotherham and Went- worth.	—	—	—	20
	Llanrwst ... ..	788	100	5	40
Warwick ...	Ansley and Whitacre ...	64	2,600	One Penny	42

Date of Act.	Title of Act.
53 Geo. 3, c. vi. ...	1. An Act for repairing the road from the city of Coventry to the Rugby turnpike road in the parish of Wolvey in the county of Warwick.
53 Geo. 3, c. xxv....	2. An Act for continuing and amending an act of his present Majesty, for repairing the roads leading from Bowes in the county of York, through Barnard Castle and Bishop Auckland, to join the Great North-road near Sunderland Bridge in the county of Durham.

Date of Act.	Title of Act.
53 Geo. 3, c. xli. ...	3. An Act for more effectually repairing the road from the Horseshoe Corner in Godmanchester in the county of Huntingdon to the south-east end of Castle-street in the town of Cambridge in the county of Cambridge.
54 Geo. 3, c. xvii. ...	4. An Act for enlarging the term and powers of two acts, passed in the twelfth and thirty-third years of his present Majesty, for repairing the road from the parish of Cardington to the Great Northern-road near Tensford Bridge in the county of Bedford, and for making and maintaining a road branching out of the same at Roxton Hill to the south end of the turnpike road leading from Bedford to Kimbolton in the county of Huntingdon.
56 Geo. 3, c. xxxiii.	5. An Act to rectify a mistake in an act of the fifty-third year of his present Majesty, for repairing the roads from Bowes in the county of York to join the Great North-road near Sunderland Bridge in the county of Durham.
57 Geo. 3, c. xxvi.	6. An Act for amending the roads leading from Basingstone near Bagshot, through Farnham in the county of Surrey, and Alton and New Alresford, to Winchester in the county of Southampton; <i>so far as the same relates to the lower district.</i>
59 Geo. 3, c. xci. ...	7. An Act for enlarging the term and powers of two acts of his present Majesty, for repairing the road from Huddersfield to Penistone in the county of York.
1 & 2 Geo. 4, c. xxxii.	8. An Act for continuing and amending three acts of their late Majesties King George the Second and King George the Third, for repairing the road from Newport in the county of Salop to Welsh Harp in the township of Stonnall in the county of Stafford.
1 & 2 Geo. 4, c. lxxxii.	9. An Act for repairing the road from Birmingham, through Stratford-upon-Avon, to Stratford Bridge in the county of Warwick.
3 Geo. 4, c. xlviii.	10. An Act for more effectually repairing and widening the roads from Spann Smithy, through Middlewich and by Spittle Hill in Stanthorn, to Winsford Bridge, and from Spittle Hill to Northwich in the county palatine of Chester.
3 Geo. 4, c. lii. ...	11. An Act for more effectually making, repairing, and improving the road

Date of Act.	Title of Act.
	leading from Reading in the county of Berks to Basingstoke in the county of Southampton.
3 Geo. 4, c. lxx. ...	12. An Act for repairing, widening, and maintaining the road leading from Dartford to and through Northfleet and Gravesend, and thence to the Stone's End near the parish church of Strood in the county of Kent.
4 Geo. 4, c. xxv. ...	13. An Act for more effectually amending, widening, and keeping in repair several roads in and near to the town of Tenbury in the counties of Salop, Worcester, and Hereford, and the roads leading from the Knowle Gate to the turnpike road on the Clew Hill, and from Kyre Mill to the turnpike road leading from Bromyard to Tenbury.
4 Geo. 4, c. cxi. ...	14. An Act for more effectually repairing the road from Wansford Bridge in the county of Northampton to Stamford, and from Stamford to Bourn in the county of Lincoln; <i>so far as the same relates to the Wansford district.</i>
5 Geo. 4, c. xxiv. ...	15. An Act for amending, repairing, and maintaining the road from Sandon in the county of Stafford to Bullock Smithy in the county of Chester, and from Hilderstone to Draycott-in-the-Moors, and from Wetley Rocks to Tean in the said county of Stafford; <i>so far as the same relates to the "Macclesfield district of road."</i>
5 Geo. 4, c. ci. ...	16. An Act for more effectually repairing the road from Ashby-de-la-Zouch in the county of Leicester, through Burton-upon-Trent in the county of Stafford, to Tutbury in the said county of Stafford.
5 Geo. 4, c. cxlii. ...	17. An Act for amending and widening the roads leading from Stretford's Bridge in the county of Hereford to the Cross Moor or Long Meadow End in the county of Salop, and other roads therein mentioned in the said county of Hereford.
6 Geo. 4, c. ii. ...	18. An Act for repairing and maintaining the road from Penwortham Bridge to the boundary between the townships of Wrightington and Shevington, and the road from Lydiate-lane End to a bridge called Little Hanging Bridge, all in the county of Lancaster.

Date of Act.	Title of Act.
6 Geo. 4, c. xlvii. ...	19. An Act for more effectually amending, widening, and maintaining the road from Barton Bridge in the parish of Eccles, through the township of Worsley, to Moses Gate in the township of Farnworth, and for making, repairing, and improving other roads to communicate therewith, all in the county palatine of Lancaster.
6 Geo. 4, c. lii. ...	20. An Act for amending and repairing the turnpike road leading from the north end of the town of Rotherham to the east side of Tankersley Park in the county of York.
6 Geo. 4, c. liii. ...	21. An Act for repairing the road branching out of the Great North-road by the guide post at the south end of Spittlegate in the parish of Grantham in the county of Lincoln, and leading from thence to the turnpike road at or near Bridge End in the same county.
7 Geo. 4, c. xx. ...	22. An Act for amending an act of his present Majesty, for repairing the road from Sandon in the county of Stafford to Bullock Smithy in the county of Chester, and from Hilderstone to Draycott-in-the-Moors, and from Wetley Rocks to Tean, in the county of Stafford; so far as relates to the Macclesfield district of the road, and for making a diversion of road in the said district.
7 Geo. 4, c. lxxxvii.	23. An Act for more effectually amending and keeping in repair the road called the Hulton turnpike road, lying between Knocket Wall Brook and the White Horse in West Houghton in the county palatine of Lancaster.
7 & 8 Geo. 4, c. xxvi.	24. An Act for repairing the roads from Warwick to Paddlebrook in the parish of Stretton-on-the-Fosse, and from Warwick to Stratford-upon-Avon in the counties of Warwick and Worcester.
7 & 8 Geo. 4, c. xxvii.	25. An Act for more effectually repairing and otherwise improving the road from the east end of Chapel Bar in Nottingham to the New China Works near Derby, and from the guide post in the parish of Lenton to Sawley Ferry, all in the counties of Nottingham and Derby.
7 & 8 Geo. 4, c. lviii.	26. An Act for amending, repairing, and maintaining the turnpike road from Rotherham to Swinton in the West Riding of the county of York.



Date of Act	Title of Act
10 Geo. 4, c. xxi. ...	27. An Act for more effectually repairing, widening, and improving the road from Harlow Bush Common in the parish of Harlow in the county of Essex to Stump Cross in the parish of Great Chesterford in the same county, and for making and maintaining two new lines of road communicating therewith.
1 Will. 4, c. x. ...	28. An Act for repairing the road from Burton Bridge in the county of Stafford to Market Bosworth in the county of Leicester.
1 Will. 4, c. xi. ...	29. An Act for repairing the road from Birmingham to Bromsgrove.
1 Will. 4, c. xlvi....	30. An Act for improving and maintaining several roads leading to and from the town of Walsall in the county of Stafford.
1 & 2 Will. 4, c. lxvi.	31. An Act for better repairing and improving several roads leading to and from the town of Frome in the county of Somerset.
2 Will. 4, c. xxii. ...	32. An Act for more effectually repairing the road leading from Boroughbridge in the county of York to the city of Durham, and for making and maintaining certain deviations therein; <i>so far as the same relates to that part of the road situate in the county of Durham.</i>
2 Will. 4, c. lxxxiv.	33. An Act for maintaining and improving certain roads within the counties of Worcester and Stafford called "The Dudley and Brettell-lane District of Roads," and for making several branches from such roads.
4 & 5 Will. 4, c. xciv.	34. An Act for making, improving, and keeping in repair the roads leading from Barrington to Campsfield and Enslow Bridge in the county of Oxford.
5 Will. 4, c. xxv. ...	35. An Act for more effectually repairing the Darlington and West Auckland and the Cockerton Bridge and Staindrop roads in the county of Durham, and for consolidating the trusts thereof.
5 Will. 4, c. xxxix.	36. An Act for more effectually repairing and improving the road from the town of Hitchin, through Shefford, to the turnpike road from Saint Albans to Bedford, and also the road from the turning out of the said road to Henlow and Gerford Bridge, and other roads therein mentioned, in the counties of Hertford and Bedford.

Date of Act.	Title of Act.
6 Will. 4, c. xlix....	37. An Act for more effectually repairing the roads from Harlow Bush Common to and into the parish of Woodford, and the road from Epping to Writtle, and other roads therein mentioned, all in the county of Essex.
6 & 7 Will. 4, c. cxviii.	38. An Act for repairing, maintaining, and improving the road from Dewsbury to Ealand in the West Riding of the county of York.
7 Will. 4, c. xxxv.	39. An Act for more effectually repairing, improving, and maintaining certain roads leading to and from the town of Llanrwst in the county of Deubigh.
7 Will. 4, c. xliii....	40. An Act for more effectually amending the roads from Manchester in the county of Lancaster, through Oldham, to Austerlands in the county of York, and from Oldham to Ashton-under-Lyne, and from Oldham to Rochdale, and other roads, and for making and maintaining new lines to communicate therewith, all in the said county of Lancaster.
16 & 17 Vict. c. cxxxv.	41. An Act for more effectually repairing and improving several roads leading to and from the town of Salford, through Pendleton, and other places in the county palatine of Lancaster.
1 Will. 4, c. xiv. ...	42. An Act for repairing the Watling-street road, the Manchester and Wolvey Heath-road, and other roads communicating therewith, in the counties of Leicester and Warwick, <i>so far as the same relates to the Ansley and Whitacre district of road.</i>

## FIFTH SCHEDULE.

(Turnpike Trusts out of Debt, and the Local Acts not yet expired.)  
Acts which are to be repealed on and after the 30th of June, 1870, unless Parliament in the meantime otherwise provides.

County.	Name of Trust.	No. of Act.
Bedford ...	Bedford and Luton ... ..	4
Berks ... ..	Chilton Pond ... ..	17
Bucks ... ..	Colnbrook, Datchet, and Slough ... ..	12
Cambridge...	Cambridge and Ely (The South District)	23
	Stump Cross ... ..	11

County.	Name of Trust.	No. of Act.
Chester ...	Nantwich and Woore ... ..	24
	Stockport and Warrington, and Washway (United). <i>See also No. 58 in Third Schedule.</i>	27
Cumberland	Carlisle and Temon ... ..	1, 2
Durham ...	Gateshead and Hexham ... ..	26
Leicester ...	Hinckley and Narborough ... ..	18
Lincoln ...	Lincoln: Newark Road ... ..	15, 19
	" Sleaford Road ... ..	
Northampton	Banbury and Lutterworth: Banbury to Drayton.	10
	to Badby. " Lutterworth	
	Northampton to Newport Pagnell ... ..	7
	Stamford and Kettering ... ..	25
Somerset ...	Wells and Highbridge ... ..	18
Surrey... ..	Epsom ... ..	6
	Kingston and Sheetbridge: Lower District	22
Sussex... ..	" Upper District	
	Beechdown to Heathfield, Robertsbridge, &c.	21
Warwick ...	Brighton, Shoreham, and Lancing ... ..	3, 14
	Rugby and Lutterworth ... ..	5
Wilts ... ..	Sarum and Eling: Eling District ... ..	9
	Lobcombe District ... ..	
York ... ..	Warminster ... ..	8
	Sheffield and Tinsley ... ..	16, 20

Date of Act.	Title of Act.
24 Geo. 2, c. xxv. ... <i>Term unlimited.</i>	1. An Act for laying out, making, and keeping in repair a road, proper for the passage of troops and carriages, from the city of Carlisle to the town of Newcastle-upon-Tyne.
51 Geo. 3, c. xiv. ... <i>Term unlimited.</i>	2. An Act for altering and enlarging the powers of so much of an act of his late Majesty, for making a road for the passage of troops and carriages, from the city of Carlisle to the town of Newcastle-upon-Tyne, as relates to the county of Cumberland.
11 Geo. 4, c. lxxiii. ... <i>Limited to expire at end of session after July, 1872.</i>	3. An Act for more effectually repairing and improving the road from Brighton to Shoreham, for building a bridge over the river Adur at New Shoreham, and for making a road to Lancing, and a branch road therefrom, all in the county of Sussex; except in respect to the bridge across the river Adur.
1 & 2 Vict. c. xlix. ... <i>Limited to expire at end of session after 4th July, 1869.</i>	4. An Act for repairing the road from Maulden Wood Corner to Westwood Gate in the county of Bedford.

Date of Act.	Title of Act.
1 & 2 Vict. c. lxxv. ... <i>Limited to expire at end of session after 31st Decem- ber, 1869.</i>	5. An Act for repairing and maintaining the road from Lutterworth Hand on the Watling-street-road, through Church-over, Brownsover, Newbold upon-Avon, Rugby, and Bilton, in the county of Warwick, to the turnpike road between Dunchurch and Hillmorton in the said county.
2 Vict. c. iv. ... <i>Limited to expire at end of session after 6th May, 1870.</i>	6. An Act for repairing the road from Epsom to Tooting, and other roads communicating therewith, all in the county of Surrey.
2 Vict. c. xiii. ... <i>Limited to expire at end of session after 4th June, 1870.</i>	7. An Act for repairing the road from Cotton End near the town of Northampton to Newport Pagnel in the county of Buckingham.
3 Vict. c. xxi. ... <i>Limited to expire at end of session after 3rd April, 1871.</i>	8. An Act for making and repairing several roads in and leading to and from the town of Warminster in the county of Wilts.
3 Vict. c. xxxiv. ... <i>Limited to expire at end of session after 8th June, 1871.</i>	9. An Act for repairing and improving the roads from Lobcombe Corner in the parish of Winterslow, to the city of New Sarum in the county of Wilts, and from the said city to Landford, and other roads in the county of Southampton.
3 Vict. c. xxxviii. ... <i>Limited to expire at end of session after 19th May, 1871.</i>	10. An Act for repairing and maintaining a road from Banbury in the county of Oxford to Lutterworth in the county of Leicester, and other roads communicating therewith.
4 Vict. c. xx. ... <i>Limited to expire at end of session after 1st June, 1872.</i>	11. An Act for maintaining certain roads in the county of Cambridge, to be called "The Stumpercross Roads."
4 Vict. c. xxxiii. ... <i>Limited to expire at end of session after June, 1872.</i>	12. An Act for more effectually repairing the road from Cranford Bridge to Maidenhead Bridge, with roads thereout to Eton, Town End, and to the Great Western Railway, and from Langley Broom to Datchet Bridge, all in the counties of Middlesex and Bucks.
4 & 5 Vict. c. xcvi. ... <i>Limited to expire at end of session after July, 1872.</i>	13. An Act for more effectually widening and improving the road from Wells to Highbridge, with a road thereout to Cheddar, all in the county of Somerset.

Date of Act.	Title of Act.
4 & 5 Vict. c. cv. ... <i>Limited to expire at end of session after July, 1872.</i>	14. An Act to amend an act passed in the eleventh year of the reign of King George the Fourth, for repairing and improving the road from Brighton to Shoreham and Lancing in the county of Sussex; and for other purposes connected therewith.
4 & 5 Vict. c. cviii. ... <i>Limited to expire at end of session after July, 1872.</i>	15. An Act for more effectually repairing, maintaining, and improving certain roads leading to and from the city of Lincoln; so far as the same relates to the "Newark-road," and to the "Sleaford-road."
4 & 5 Vict. c. cix. ... <i>Limited to expire at end of session after 8th July, 1872.</i>	16. An Act for repairing the turnpike road from Tinsley to Doncaster, and for making certain new lines of road to communicate with the same all in the West Riding of the county of York; so far as the same relates to the Sheffield and Tinsley-road.
4 & 5 Vict. c. cxi. ... <i>Limited to expire at end of session after 7th July, 1872.</i>	17. An Act for repairing and maintaining the road from the Mayor's Stone in Abingdon to Chilton Pond in the county of Berks.
5 & 6 Vict. c. lxx. ... <i>Limited to expire at end of session after June 1873.</i>	18. An Act for more effectually repairing the roads from the borough of Leicester to Narborough, and from the said borough of Leicester to Earl Shilton, and from Earl Shilton to Hinckley, all in the county of Leicester.
5 & 6 Vict. c. lxxi. ... <i>Limited to expire at end of session after July, 1872.</i>	19. An Act to explain and amend an act passed in the fourth and fifth years of the reign of Her present Majesty, for more effectually repairing, maintaining and improving certain roads leading to and from the city of Lincoln; so far as the same relates to the "Newark-road," and to the "Sleaford-road."
12 & 13 Vict. c. lxiv. <i>Limited to expire at end of session after 8th July, 1872.</i>	20. An Act to extend the present Tinsley and Doncaster turnpike road from Tinsley to Sheffield, and for other purposes.
15 Vict. c. lxxxi. ... <i>Limited to expire at end of session after July, 1873.</i>	21. An Act for maintaining the road from Beach Down near Battle to Heathfield, and from the railway station near the town of Robertsbridge to Hood's Corner, all in the county of Sussex.
15 & 16 Vict. c. cxxiii. <i>Limited to expire at end of session after 26th October, 1873</i>	22. An Act to repeal the act relating to the road from the town of Kingston-upon-Thames in the county of Surrey to Sheetbridge near Petersfield in the county of Southampton; and to make other provisions in lieu thereof.

Date of Act.	Title of Act.
15 & 16 Vict. c. cxxxiv. <i>Limited to expire at end of session after 29th Sept., 1873.</i>	23. An Act for more effectually maintaining and keeping in repair the road from Cambridge to Ely, and other roads therein mentioned, in the counties of Cambridge and Norfolk; <i>so far as the same relates to the "south district."</i>
16 & 17 Vict. c. cxlvii. <i>Limited to expire at end of session after 30th October, 1874.</i>	24. An Act to repeal the act relating to the Nantwich and Woore turnpike road, and to make other provisions in lieu thereof.
17 & 18 Vict. c. cix. <i>Limited to expire at end of session after 1st November, 1875.</i>	25. An Act to repeal an act for enlarging the term and powers of an act of his late Majesty George the Third, for repairing the road from Saint Martin Stamford Baron to Kettering, and from Oundle to Middleton-lane, in the county of Northampton; and to make other provisions in lieu thereof; <i>so far as the same relates to the first district.</i>
18 & 19 Vict. c. clxxvi. <i>Limited to expire at end of session after 1st November, 1876.</i>	26. An Act for maintaining and improving the road from Gateshead in the county of Durham to the Hexham turnpike road near Dilston Bar in the county of Northumberland, and other roads connected therewith.
19 & 20 Vict. c. lxvi. <i>Limited to expire at end of session after 1st November, 1877.</i>	27. An Act for more effectually repairing certain roads in the county of Chester, of which the short title is "Stockport and Warrington Road Act, 1856."

## SIXTH SCHEDULE.

(Turnpike Trusts nearly out of Debt, and the Local Acts not yet expired.)

Acts which are to be repealed on and after the 30th of June, 1870, unless Parliament in the meantime otherwise provides.

County.	Name of Trust.	Tolls in 1866.	Debt in 1866.		No. of Act.
				Per Cent.	
Chester ...	Woodside and Hoylake.	£ 343	£ 60	5	6
Derby ...	Derby, Ashborne, and Hurdloe.	785	100	4½	1, 8

County.	Name of Trust.	Tolls in 1866.	Debt in 1866.		No. of Act.
		£	£	Per Cent. £	
Durham ...	Wearmouth Bridge to Tyne Bridge and Branch.	1,864	803	5	3
Hants ...	South Shields ...	456	1,140	3½	11
	Andover and Basingstoke.	786	300	4	5
	Basingstoke, Odiham, and Alton.	785	200	3	4
Leicester ...	Ashby-de-la-Zouch ...	1,386	625	5	7
Northampton	Kettering and Northampton.	633	345	3	10
Nottingham .	Nottingham and Newhaven, First District.	2,220	450	4	13
Stafford ...	Lawton, Burslem, and Newcastle - under - Lyne.	2,220	200	4	14
Wilts ...	Trowbridge ...	1,515	571	4	12
Worcester ...	Dudley and Brettell Lane, and Pedmore and Rowley (United). (See also No. 33 in Fourth Schedule.)	5,934	1,390	3	9
York ...	Wakefield and Halifax .	988	300	5	2

Date of Act.	Title of Act.
9 Geo. 4, c. lxxix. ... <i>Limited to expire at end of session after 5th June, 1872.</i>	1. An Act for diverting, widening, repairing, and improving the road from the town of Derby to the south end of Compton-street next Ashborne, and from Ashborne to Hurdloe House in the county of Derby, and that part of the said road called the Old Road, leading from Hardy's Hill tollgate unto Compton.
1 Vict. c. xliii. ... <i>Limited to expire at end of session after 11th June, 1869.</i>	2. An Act for repairing and maintaining the roads leading from Wakefield to Halifax, and from near Hipperholme Bar to near Stump Cross, all in the West Riding of the county of York.
2 Vict. c. xxii. ... <i>Limited to expire at end of session after 1st September, 1870.</i>	3. An Act for more effectually repairing and improving the road from Wearmouth to Tyne Bridge, with a branch from the said road to the town of South Shields, all in the county of Durham.

Date of Act.	Title of Act.
2 Vict. c. xlv. ... <i>Limited to expire at end of session after 1st July, 1870.</i>	4. An Act for repairing several roads leading to the towns of Basingstoke, Odiham, and Alton, in the county of Southampton, and for making several deviations in the line of the said road.
3 Vict. c. xxxi.... <i>Limited to expire at end of session after April, 1871.</i>	5. An Act for more effectually repairing the road from Basingstoke in the county of Southampton to Lobcomb Corner in the county of Wilts, and other roads therein described; and for making a new road from the said road at the eastern entrance of the town of Andover to the Warren Farm station on the London and South-western Railway in the said county of Southampton; <i>so far as the same relates to the Andover and Basingstoke district.</i>
4 & 5 Vict. c. cxiv. ... <i>Limited to expire at end of session after June, 1872.</i>	6. An Act for maintaining and repairing as turnpike a certain road commencing at or near the north-west gate of the Woodside Hotel stable yard in the township or chapelry of Birkenhead, and terminating at or near the cottage of Henry Berry in the township of Little Meols in the parish of West Kirby in the county of Chester; and for levying tolls for that purpose.
5 Vict. c. lxxiv. ... <i>Limited to expire at end of session after June, 1873.</i>	7. An Act for more effectually repairing the road from the borough of Leicester in the county of Leicester to the town of Ashby-de-la-Zouch in the said county.
14 Vict. c. xxxiv. ... <i>Limited to expire at end of session after 5th June, 1872.</i>	8. An Act for continuing the term of the Derby, Ashborne, and Hurdloe Road Act; and for other purposes.
15 Vict. c. lxxxvi. ... <i>Limited to expire at end of session after 21st October, 1873.</i>	9. An Act to repeal the acts and parts of acts relating to the Pedmore and Holly Hall districts of roads, and to substitute other provisions for the same.
15 Vict. c. xcix. ... <i>Limited to expire at end of session after 30th October, 1873.</i>	10. An Act to repeal an act for repairing the road from Kettering to the town of Northampton in the county of Northampton, and to substitute other provisions in lieu thereof.
17 Vict. c. xlvii. ...	11. An Act to renew the term and continue certain of the powers of an act passed in the seventh year of the reign of his Majesty King George the Fourth, intituled "An Act for making and



Date of Act.	Title of Act.
	maintaining a Turnpike Road from South Shields to White Mere Pool, and from thence to join the Durham and Newcastle Turnpike Road at Vigolane, with a Branch from Jarrow Slake to East Boldon, all in the County of Durham."
17 & 18 Vict. c. lxxv. <i>Limited to expire at end of session after 1st November, 1875.</i>	12. An Act to create a further term in the Trowbridge roads, to add other roads to the trust, to amend and extend the act relating to the said roads; and for other purposes.
18 & 19 Vict. c. xcii. <i>Limited to expire at end of session after 1st January, 1877.</i>	13. An Act for continuing the term of the Nottingham and Newhaven turnpike road and districts act; and for other purposes; <i>so far as the same relates to the first district.</i>
22 & 23 Vict. c. lxxxvii. <i>Limited to expire at end of session after 1st November, 1880.</i>	14. An Act to repeal the acts relating to the Lawton, Burslem, and Newcastle-under-Lyme turnpike roads, and to consolidate and amend the provisions thereof.

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31 & 32 VICT. CAP. 100.

*An Act to amend the Procedure in the Court of Session and the Judicial Arrangements in the Superior Courts of Scotland, and to make certain Changes in the other Courts thereof.*—  
[31st July, 1868.]

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31 & 32 VICT. CAP. 101.

*An Act to consolidate the Statutes relating to the Constitution and Completion of Titles to Heritable Property in Scotland, and to make certain Changes in the Law of Scotland relating to Heritable Rights.*—[31st July, 1868.]

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31 & 32 VICT. CAP. 102.

*An Act to alter the Qualifications of the Electors in Places in Scotland under the "General Police and Improvement (Scotland) Act, 1862," or under the Act Thirteen and Fourteen Victoria, Chapter Thirty-three, and to amend the said Acts in certain other respects.*—[31st July, 1868.]

31 &amp; 32 VICT. CAP. 103.

*An Act to amend the Law which regulates the Burials of Persons in Ireland not belonging to the Established Church.*—[31st July, 1868.]

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## BANKRUPTCY ACT AMENDMENT ACT.

31 &amp; 32 VICT. CAP. 104.

Sect.

## SUMMARY.

## Preamble

1. No deed, &c. entered into between a debtor and his creditors relating to debts, &c. shall be as valid, &c. as if they were parties to the same unless conditions herein named shall be observed.
2. Notice to be given of leaving list, &c. in *London Gazette*, &c., and inspection of list and statements allowed.
3. Creditors assenting to composition deed to prove, &c.
4. Proof to be filed—Power of inspection by creditors.
5. Provisions for examination of debtor or creditor.
6. Notice to debtor and trustees of deed.
7. In change from bankruptcy to arrangement creditors assenting to prove, &c.
8. Description of court to have jurisdiction under deed.
9. Power to make general orders.
10. Notices as to deeds, &c.
11. Affidavits, warrants, &c.
12. Penalty on persons giving false affidavit.
13. As to payment, &c. of fees.
14. Limit of act.
15. Commencement of act—Short title.

## INTRODUCTION.

It is often very desirable for all parties that an arrangement between an insolvent debtor and his creditors be effected without the machinery of the Bankruptcy Court; the assets may be more economically and advantageously got in and distributed, or, through the assistance of the debtor's friends, a larger amount may be received by the creditors as a composition on their debts than would have been the case under bankruptcy. Still, it is a strong measure to bind creditors against their will to an arrangement of this nature, even though such non-assenting creditors form but a small proportion of the entire body; and it ought not to be done without, at least, some pro-

vision on the part of the Legislature to secure the *bona fides* of the transaction, and that the required majority of assenting creditors has been really and properly obtained. This has now been found necessary from the abuse which has been made of the ready facility for these deeds which was given by "The Bankruptcy Act, 1861." So great has been the facility for these deeds, and so popular have they become amongst debtors, that their aggregate number, consisting of deeds of composition, of assignment and inspektorship, have increased since the Bankruptcy Act of 1861 from about 2000 to 6912; and the amount of unsecured debts which they affected, and which in 1862 was 2,576,400*l.*, reached in 1867 to the enormous amount of 29,644,628*l.* It is well known how the act of 1861 has been abused, and how persons have been able to free themselves of their liabilities without scarcely paying anything to any of their creditors. Fictitious creditors, or creditors for a larger amount than justly due, have been created by the debtor, with the assistance of his relations and friends; and by that means, and by taking into the account creditors whose own debts were amply secured (and who, according to the decisions of the courts, were to be reckoned in calculating the statutable majority), deeds have been registered against the wishes of the genuine *bonâ fide* creditors who have been defrauded of their rights, and that, too, by a system which had the apparent sanction of the Legislature.

The present act of Parliament, which owes its origin to Mr. Moffatt, is intended to remedy this disgraceful state of things, and it will probably accomplish its end. The act commences and takes effect on the 11th of October next, and after that time, in addition to what is now required by sect. 192 of "The Bankruptcy Act, 1861," there must be left with the deed at the registrar's office a list verified by affidavit of the debts and liabilities of the debtor, the times when incurred, and the considerations for the same; also the names and addresses of the creditors, the amounts due to them, and the securities they hold; also a statement of the debtor's property in like manner verified by affidavit, and such list and statement are to be opened for inspection by any creditor who may choose to examine the same. Further, in computing the required majority of three-fourths in value and number of assenting creditors, the amount due to

each creditor, after deducting the value of the securities held by him is alone to be reckoned, and no creditor is to be counted who has not proved his debt by affidavit or statutable declaration. In addition to this it will be competent for any creditor of 10*l*. or upwards (subject, however, to the risk of being made liable, in the discretion of the court, to the costs it may occasion) to have the debtor or any creditor examined, so that there will exist a power similar to that under proceedings in bankruptcy of investigating the dealings and transactions of the debtor, and exposing any covert plan to cheat creditors.

The entire bankruptcy law requires amendment, and a bill with that object, consisting of several hundred clauses, was introduced into the House of Lords last session by the Lord Chancellor; but the session was not a favourable one for discussing so large a measure, and the bill had to be withdrawn. The only bankruptcy legislation which could take place was the passing of the present one, which, for the reasons already referred to, had become so essentially necessary, that it was impossible to wait until the whole of the bankrupt law could be revised.

#### THE STATUTE.

*An Act to amend the Bankruptcy Act, 1861.*—[31st July, 1868.]

Whereas it is expedient to amend the Bankruptcy Act, 1861 :  
Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *No deed, &c. entered into between a debtor and his creditors relating to debts, &c. shall be as valid, &c. as if they were parties to the same unless conditions herein named shall be observed.*

—No deed or instrument made or entered into between a debtor and his creditors, or any of them, or a trustee on their behalf, relating to the debts or liabilities of the debtor and his release therefrom, or the distribution, inspection, management, and winding-up of his estate, or any of such matters, shall be as valid, effectual, and binding on all the creditors of such debtor as if they were parties to and had duly executed the same, unless, in addition to the conditions to be observed in accordance with the provisions of the Bankruptcy Act, 1861, the following conditions shall be observed ; that is to say,

- (1.) Together with such deed or instrument there shall be delivered to the chief registrar a list showing, to the best of the knowledge, information, and belief of the debtor or other person by whom the list is made, the debts and liabilities of every kind of the debtor, and the times when such debts and liabilities were contracted or incurred, and the considerations for the same, the names, residences, and occupations of his creditors, and the respective amounts due to them, and the securities held by them, and the estimated value of such securities :
- (2.) A statement showing, to the best of the knowledge, information, and belief of the debtor, or other person by whom the statement is made, the debtor's property and credits, and the estimated value thereof.

The debtor or other person as aforesaid may from time to time, by leave of the court, add to or amend such list or statement, and every such list, statement, addition, and amendment shall be verified by his affidavit, or by that of some other person able to depose thereto; and when any addition or amendment is made to any such list or statement, the affidavit shall contain the reason why such addition or amendment has been rendered necessary, and why the substance thereof was not contained in the original list or statement.

2. *Notice to be given of leaving list, &c. in London Gazette, &c. and inspection of list and statements allowed.*—Notice of the leaving of such list or statement, and of any amendments or additions thereto, shall be given in the *London Gazette*, and in some one or more daily paper or papers circulating in the neighbourhood in which the debtor resides or carries on his business, within such time after such list or statement shall have been left as general orders direct; and any person stating himself in writing to be a creditor of such debtor may, personally or by attorney or agent, inspect the lists of statements, and any additions or amendment, and may, on application in such manner, as general orders direct, have a copy thereof or extracts therefrom.

3. *Creditors assenting to composition deed to prove, &c.*—No creditor shall be reckoned in the computation of the requisite majority in number representing three fourths in value of the

creditors of the debtor executing such deed or instrument unless he proves his debt by affidavit or declaration in the manner and subject and according to the provisions to be prescribed by general orders; and in the computation of the requisite value of such creditors, and for all other purposes of the deed, the amount due to each creditor, after deducting the value of the securities held by him on the debtor's property, shall alone be reckoned; (1) and notwithstanding anything in "The Bankruptcy Act, 1861," the time for the production and leaving of any such deed or instrument at the office of the chief registrar as therein provided shall be twenty-eight days from the day of the execution thereof by the debtor, or such further time as the court may allow. (2)

4. *Proof to be filed—Power of inspection by creditors.*—Every affidavit or declaration of proof by the creditors of such debtor shall be filed with the chief registrar within such time as general orders direct, and the filing of every such affidavit shall be entered by the chief registrar in a book to be kept by him as filed in the matter of the deed or instrument executed by such debtor; and any person stating himself in writing to be a creditor of such debtor may, personally or by attorney or agent,

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(1) This alters the law as established by the cases of *Turquand v. Moss*, 33 L. J. C. P. 355, and *Whittaker v. Lover* (Exch. Chamber), 35 L. J. Ex. 44.

(2) By the 4th clause of sect. 192 of "The Bankruptcy Act, 1861," the condition to the validity of the deed is declared to be that "within twenty-eight days from the day of the execution of such deed or instrument by the debtor, the same shall be produced and left (having been first duly stamped) at the office of the chief registrar for the purpose of being registered." And in *Re Skinner* (34 L. J. Bank. 9), it was decided by Lord Westbury, L. C., that the court had no jurisdiction to extend the time for registration given by that clause. It is otherwise with respect to the registration of deeds under the 194th section of that act, which declares that the deeds there referred to shall "within twenty-eight days from and after the execution thereof by such debtor, or within such future time as the court in London shall allow be registered in the Court of Bankruptcy, and in default thereof shall not be received in evidence." The effect, therefore, of the 3rd section of the present act will be to give power to the Bankruptcy Court to enlarge the time for the registration of the deed executed under sect. 192 of "The Bankruptcy Act, 1861;" and this power may be exercised after the twenty-eight days have elapsed, according to *Wishart v. Fowler* (33 L. J. Q. B. 125), which was decided upon similar words in the 194th section of the act of 1861.

inspect such book, and also every affidavit or declaration filed in the matter of the deed or instrument executed by the debtor, and may, in such manner as general orders direct, have copies thereof or extracts therefrom.

5. *Provisions for examination of debtor or creditor.* — Any creditor of a debtor executing any such deed or instrument whose debt shall exceed ten pounds may, at any time after the registration of the deed or instrument, apply for and obtain from the court a summons requiring such debtor, or any creditor or person stated to be a creditor of such debtor, or any person whom the said court shall believe to be capable of giving any information concerning the dealings and transactions of the debtor, to appear at the said court upon a day and time to be named in such summons, and then and there to be examined concerning the dealings and transactions of any such debtor, or dealings and transactions of the creditor so summoned with the debtor, or the debt due or stated to be due from the debtor to such creditor; and such debtor or creditor or other person, as the case may be, shall be bound to attend at the time and place named in the summons, and to submit himself to examination; and at the conclusion of such examination the court shall determine by whom the whole or any part of the expense of procuring the attendance, and of the attendance of the person examined, and of his examination, and of the attendance of all other parties properly attending such examination, shall be borne, whether by the creditor procuring the summons, or by the person examined, or by the debtor, or by the trustees or inspectors of his estate, either personally or out of the estate of the debtor, or by the estate of the debtor or otherwise; and an order shall be drawn up by the court in accordance with such determination, and be enforced against the parties bound by such order in the same manner that orders of the Court of Bankruptcy are enforced; but nothing in this section shall take away or abridge any jurisdiction or authority belonging to the court independently thereof.

6. *Notice to debtor and trustees of deed.* — The creditor procuring such summons shall give notice to the trustees or inspectors (if any) acting under the deed or instrument, and (where the summons is directed to a creditor) to the debtor, of the time and place appointed for the examination. The debtor, trustees, or

inspectors shall be at liberty to attend such examination, and to take part therein, subject to the direction of the court. (3)

7. *In change from bankruptcy to arrangement creditors assenting to prove, &c.*—In case of a deed of arrangement under sect. 187 of "The Bankruptcy Act, 1861," no creditor shall be reckoned in the computation of the requisite majority in number and value of the creditors of the bankrupt unless he proves his debt by affidavit or declaration in the manner and subject and according to the provisions to be prescribed by general orders; and in the computation of the requisite value of such creditors, and for all other purposes of the deed, the amount due to each creditor, after deducting the value of the securities held by him on the bankrupt's property, shall alone be reckoned.

8. *Description of court to have jurisdiction under deed.*—The court which shall have and exercise all jurisdiction given by "The Bankruptcy Act, 1861," and this act, under any deed or instrument made by an arranging debtor, shall, if the debtor is a bankrupt, be the court having jurisdiction in the bankruptcy, and if he is not a bankrupt, the court in which a petition by him for adjudication of bankruptcy against himself would at the time of the execution or (in case of registration) of the registration of the deed or instrument be required to be filed; but the Court of Bankruptcy in London may order all or any of the applications under any deed or instrument to be made and prosecuted in any court, without regard to the district in which the debtor resided or carried on business or the amount of his debts; provided that any proceeding *bonâ fide* taken in any court shall not be impeachable by reason of its appearing that the jurisdiction was in some other court, but the court in which such proceeding is pending may transmit the papers to the proper court.

9. *Power to make general orders.*—The Lord Chancellor shall, with the assistance of two commissioners, and subject to

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(3) "The Bankruptcy Act, 1861," is not incorporated with this act, nor is sect. 201 of that act, which provides for sending notices by the post made applicable to the notices required to be given by this 6th section, therefore unless there is power under sect. 9 of this act, to provide in the general orders for the service of notices, as to which there may be some doubt, and an order is made providing for such service, the notice will have to be personally served on the trustees or debtor, as the case may be.



the provisions of "The Bankruptcy Act," 1861, frame general orders for the following purposes :

For regulating the several forms of the lists, statements, affidavits, declarations, advertisements, orders, and all other proceedings to be used in all matters under this act ;

For the reception and custody of all documents required to be produced, left, or filed in accordance with this act, and the inspection of such documents by any creditors or person entitled to inspect the same, and for the delivery of copies thereof ;

For regulating the duties of the various officers of the Court of Bankruptcy in accordance with this act ;

For regulating the fees payable for matters done under this act ;

And generally for carrying this act into effect :

And the Lord Chancellor, with such assistance, may from time to time amend, alter, vary, or annul any of such general orders.

10. *Notices as to deeds, &c.*—Section two hundred and two of "The Bankruptcy Act, 1861," shall extend and apply to notices concerning deeds or instruments made by arranging debtors.

11. *Affidavits, warrants, &c.*—In addition to the officers and persons enumerated in sect. 207 of "The Bankruptcy Act, 1861," affidavits, declarations, or affirmations required to be sworn or made in relation to any matter under that act or this act may be sworn, made, or taken before such of the officers or clerks in the Court of Bankruptcy as the Lord Chancellor by order shall from time to time appoint for the purpose ; and every order, warrant, certificate, or proceeding in the Court of Bankruptcy required by law to be signed by a commissioner may, in lieu of being so signed, be under the hand of a registrar and the seal of the court.

12. *Penalty on persons giving false affidavit.*—Any person who shall, upon any examination upon oath or affirmation, or in any affidavit, deposition, or declaration, or solemn affirmation, authorised or directed by this act, wilfully and corruptly give false evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the penalties of wilful and corrupt perjury.

13. *As to payment, &c., of fees.*—The provisions with respect to the payment and appropriation of fees contained in or incor-

porated with "The Bankruptcy Act, 1861," shall be incorporated with this act, and apply to the fees to be taken and received under the provisions of this act.

14. *Limit of act.*—This act shall not extend to Scotland or Ireland.

15. *Commencement of act.*—*Short title.*—This act shall commence and take effect on the eleventh day of October, one thousand eight hundred and sixty-eight, and shall be construed together with so much of "The Bankrupt Law Consolidation Act, 1849," "The Bankruptcy Act, 1854," and "The Bankruptcy Act, 1861," as is in force, as one act, and may be cited for all purposes as "The Bankruptcy Amendment Act, 1868."

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31 & 32 VICT. CAP. 105.

*An Act for enabling Her Majesty to accept a Surrender upon Terms of the Lands, Privileges, and Rights of "The Governor and Company of Adventurers of England trading into Hudson's Bay," and for admitting the same into the Dominion of Canada.*—  
[31st July, 1868.]

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FAIRS (METROPOLIS) ACT.

31 & 32 VICT. CAP. 106.

Sect.

SUMMARY.

Preamble.

1. Short title.
2. Power to summon owner and occupier of ground on which fair is held.
3. Service of summons.
4. Act cumulative.
5. Construction of act.

THE STATUTE.

*An Act for the Prevention of the holding of unlawful Fairs within the Limits of the Metropolitan Police District.*—[31st July, 1868.]

Whereas it is expedient to give further powers for the prevention of the holding unlawful fairs within the metropolitan police district: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and

temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Short title.*—This act may be cited for all purposes as “The Metropolitan Fairs Act, 1868.”

2. *Power to summon owner and occupier of ground on which fair is held.*—Where any fair is holden or notice is given of any fair proposed to be holden on any ground within the metropolitan police district other than that on which a fair has been holden during each of the seven years immediately preceding, it shall be competent for the commissioner of police to direct one of the superintendents of the metropolitan police force to summon the owner or occupier of the ground upon which such fair is holden to appear before a magistrate forthwith, or at a time to be specified in the summons, to show his right and title to hold such fair ; and if such owner or occupier do not attend in pursuance of such summons, or does not show to the magistrate who hears the case sufficient cause to believe that such fair is lawfully holden, the magistrate shall declare in writing such fair to be unlawful, and the commissioner shall give notice of such declaration by causing copies thereof to be affixed on and near the ground where such fair is holden or proposed to be holden ; and after such notice has been affixed for the space of six hours the commissioner of police may direct any constable to remove every booth, standing, and tent, and every carriage of whatsoever kind, conveyed to or being upon the ground for the purpose of holding or continuing such fair, and to take into custody every person erecting, pitching, or fixing, or assisting to erect, pitch, or fix, any such booth, standing, or tent ; and every person hiring, accompanying, or conveyed in every such carriage, and every person resorting to such ground with any show or instrument of gambling or amusement,<sup>(1)</sup> and every person convicted before a

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(1) This is wrongly punctuated. It is as in the copy furnished by the Queen's printers, but it has the effect of making the latter part of this section senseless. Instead of a comma there ought to be a semicolon after the word “amusement,” and a comma instead of a semicolon after the preceding word “tent,” so as to make the section read as authorising the commissioner of police to direct any constable to take into custody every person erecting any such tent and every person hiring, &c., and then declaring every person convicted of any of the offences mentioned in that section to be liable to the penalty there stated. It is so punctuated in sect. 39 of the Metropolitan Police Act (2 & 3 Vict. c. 47) which is, in this respect,

magistrate of any of the offences aforesaid, shall be liable to a penalty of not more than ten pounds.

3. *Service of summons.*—A summons under this act may be served on the owner or occupier of any ground personally or by leaving the same at his usual or last known place of abode, or, if the name of such owner or occupier or his place of abode is not known to the police, by putting up such summons in a conspicuous place on the ground where the fair is holden or proposed to be holden, and it shall not be necessary to name the owner or occupier in the summons, but he may be described as the owner or occupier of the ground.

4. *Act cumulative.*—All powers conferred by this act shall be deemed to be in addition to, and not in derogation of, any other powers conferred by any other act of Parliament, and any such other powers may be exercised as if this act had not passed.

5. *Construction of act.*—This act, so far as is consistent with the tenor thereof, shall be construed as one with the acts relating to the metropolitan police.

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31 & 32 VICT. CAP. 107.

*An Act to amend the Law relating to the Indorsing of Warrants in Scotland, Ireland, and the Channel Islands.*—[31st July, 1868.]

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analogous with the present section. The 2 & 3 Vict. c. 47, s. 39, gives a similar power to the commissioners to that given in this 3rd section, of having an owner or occupier of the ground upon which the fair is usually holden summoned before a magistrate to show his right and title to hold such fair. By this 33rd section this power may be exercised "if it shall appear to the commissioner of police that any fair usually holden within the metropolitan police district has been holden without lawful authority, or that any fair lawfully holden within the said district has been usually holden for a longer period than is so warranted." The present act restricts the exercise of this power to cases where a fair is proposed to be holden on ground on which no fair has been held for seven years; but, on the other hand, there is not in this act a section similar to sect. 40 of 2 & 3 Vict. c. 47, which, notwithstanding the magistrate may have declared the fair to be unlawful, stays further action thereon, and sends the question as to the right of title to such fair for trial in the Queen's Bench, upon the owner or occupier of the ground entering into recognisances for that purpose. The present act is by sect. 4 declared to be cumulative, and the powers under 2 & 3 Vict. c. 47 still remain.

## 31 &amp; 32 VICT. CAP. 108.

*An Act to amend the Laws for the Election of the Magistrates and Councils of Royal and Parliamentary Burghs in Scotland.—*  
[31st July, 1868.]

## COMPULSORY CHURCH RATES ABOLITION ACT.

## 31 &amp; 32 VICT. CAP. 109.

## Sect.

## SUMMARY.

## Preamble.

1. Compulsory church rates abolished.
2. Saving of rates called church rates, but applicable to secular purposes.
3. Provision where money is due on security of such rates.
4. Provision as to church rates already made.
5. Not to affect enactments in local acts, &c., where rates are made for purposes herein named.
6. Act not to affect vestries, &c.
7. Trustees and others under incapacity may subscribe to voluntary rate.
8. Regulations as to persons refusing to pay church rates.
9. Power to appoint church trustees.
10. Definition of "ecclesiastical purposes," "church rate," and "parish."
11. Short title.

## INTRODUCTION.

This act does not in terms abolish church rates, but only the power of enforcing their payment. A church rate may still be made as heretofore, and trustees are authorised to pay it if they think fit to do so; but the rate must necessarily be a voluntary one, and that is a thing so impracticable that as a rate it must cease to exist. No one will be able to accurately fix the amount to be collected, and a repetition of a rate until sufficient be collected, or the making of a large rate, in order to meet anticipated failures, will be so intolerable, that it probably will not be practised, or certainly not continued for any length of time. The Legislature would seem to contemplate this, for provision is made in the act for the constitution of trustees, of whom the incumbent is to be one, for the reception of bequests and contributions generally, to be applied to the purposes for which a church rate has hitherto been applicable.

## THE STATUTE.

*An Act for the Abolition of compulsory Church Rates.—*

[31st July, 1868.]

Whereas church rates have for some years ceased to be made or collected in many parishes by reason of the opposition thereto, and in many other parishes where church rates have been made the levying thereof has given rise to litigation and ill-feeling:

And whereas it is expedient that the power to compel payment of church rates by any legal process should be abolished:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Compulsory church rates abolished.*—From and after the passing of this act no suit shall be instituted or proceeding taken in any ecclesiastical or other court, or before any justice or magistrate, to enforce or compel the payment of any church rate made in any parish or place in England or Wales.

2. *Saving of rates called church rates, but applicable to secular purposes.*—Where in pursuance of any general or local act any rate may be made and levied which is applicable partly to ecclesiastical purposes and partly to other purposes, such rate shall be made, levied, and applied for such last-mentioned purposes only, and so far as it is applicable to such purposes shall be deemed to be a separate rate, and not a church rate, and shall not be affected by this act.

Where in pursuance of any act of Parliament a mixed fund, arising partly from rates affected by this act and partly from other sources, is directed to be applied to purposes some of which are ecclesiastical purposes, the portion of such fund which is derived from such other sources shall be henceforth primarily applicable to such of the said purposes as are ecclesiastical.

3. *Provision where money is due on security of such rates.*—In any parish where a sum of money is at the time of the passing of this act due on the security of church rates, or of rates in the nature of church rates, to be made or levied in such parish under the provisions of any act of Parliament, or where any money in the name of church rate is ordered to

be raised under any such provisions, such rates may still be made and levied, and the payment thereof enforced by process of law, pursuant to such provisions, for the purpose of paying off the money so due, or paying the money so ordered to be raised, and the costs incidental thereto, but not otherwise, until the same shall have been liquidated: Provided, that the accounts of the churchwardens of such parish in reference to the receipt and expenditure of the moneys levied under such acts shall be audited annually by the auditor of the Poor Law Union within whose district such parish shall be situate, unless another mode of audit is provided by act of Parliament.

4. *Provision as to church rates already made.*—Any church rate or rate in the nature of church rate, made at any time before the passing of this act, may be collected and recovered in the same way as if this act had not been passed.

5. *Not to affect enactments in local acts, &c. where rates are made for purposes herein named.*—This act shall not affect any enactment in any private or local act of Parliament under the authority of which church rates may be made or levied in lieu of, or in consideration of the extinguishment or of the appropriation to any other purpose of, any tithes, customary payments, or other property or charge upon property, which tithes, payments, property, or charge, previously to the passing of such act, had been appropriated by law to ecclesiastical purposes as defined by this act, or in consideration of the abolition of tithes in any place, or upon any contract made, or for good or valuable consideration given, and every such enactment shall continue in force in the same manner as if this act had not passed.

6. *Act not to affect vestries, &c.*—This act shall not affect vestries, or the making, assessing, receiving or otherwise dealing with any church rate, save in so far as relates to the recovery thereof; but, subject to the provisions hereinbefore contained, whensoever any ecclesiastical district having within its limits a consecrated church in use for the purposes of Divine worship shall have been legally constituted out of any parish or parishes, and whether such district shall or shall not be a separate and distinct parish, the inhabitants of such district shall not be entitled to vote for or in reference to a church rate or the expenditure thereof at any vestry meeting of the parish or parishes out of which the said district is formed, nor shall they

be assessed to any rate made in relation to the parish church of the said parish or parishes, but such inhabitant may assemble in vestry, and subject to the provisions of this act, may make and assess a rate in relation to the church of their own district in like manner as if such church were the church of an ancient parish: Provided that nothing in this act contained shall affect any right of burial to which the inhabitants of the district may be entitled in the churchyard of the mother church.

7. *Trustees and others under incapacity may subscribe to voluntary rate.*—It shall be lawful for all bodies corporate, trustees, guardians, and committees who or whose *cestuique trust* are in the occupation of any lands, houses, or tenements to pay, if they think fit, any church rate made in respect of such property, although the payment of the same may not be enforceable after the passing of this act, and the same shall be allowed to them in any accounts to be rendered by them respectively.

8. *Regulations as to persons refusing to pay church rates.*—No person who makes default in paying the amount of a church rate for which he is rated shall be entitled to inquire into, or object to, or vote in respect of the expenditure of the moneys arising from such church rate; and if the occupier of any premises shall make default for one month after demand in payment of any church rate for which he is rated, the owner shall be entitled to pay the same, and shall thereupon be entitled, until the next succeeding church rate is made, to stand for all purposes relating to church rates (including the attending at vestries and voting thereat) in the place in which such occupier would have stood.

9. *Power to appoint church trustees.*—A body of trustees may be appointed in any parish for the purpose of accepting, by bequest, donation, contract, or otherwise, and of holding any contributions which may be given to them for ecclesiastical purposes in the parish.

The trustees shall consist of the incumbent and of two householders or owners or occupiers of land in the parish, to be chosen in the first instance, and also from time to time on any vacancy in the office by death, incapacity, or resignation, one by the patron, and the other by the bishop of the diocese in which the parish is situate.

The trustees shall be a body corporate by the name of the church trustees of the parish to which they belong, having a



perpetual succession and a common seal, with power to sue and be sued in their corporate name.

The trustees may from time to time, as circumstances may require, pay over to the churchwardens, to be applied by them either to the general ecclesiastical purposes of the parish, or to any specific ecclesiastical purposes of the parish, any funds in their hands, and the funds so paid over may be applied to such purposes and shall not be applied to any other purpose: Provided always, that no power shall be thereby conferred on the churchwardens to take order with regard to the ecclesiastical purposes of the parish further or otherwise than they are now by law entitled to do: Provided also, that due regard shall be had to the directions of the donors of funds contributed for any special ecclesiastical purposes; and, subject as aforesaid,

The trustees may invest in government or real securities any funds in their hands, and accumulate the income thereof, or otherwise deal with such funds as they think expedient, subject to the provisions of this act.

The incumbent shall be the chairman of the trustees.

The trustees shall once at the least in every year lay before the vestry an account of their receipts and expenditure during the preceding year, and of the mode in which such receipts have been derived, and expenditure incurred, together with a statement of the amount, if any, of funds remaining in their hands at the date of such account.

10. *Definition of "ecclesiastical purposes," "church rate," and "parish."*—In this act "ecclesiastical purposes" shall mean the building, rebuilding, enlargement, and repair of any church or chapel, and any purpose to which by common or ecclesiastical law a church rate is applicable, or any of such purposes:

"Church rate" shall mean any rate for ecclesiastical purposes as hereinbefore defined:

"Parish" shall mean any parish, ecclesiastical district, chapelry, or place within the limits of which any person has the exclusive cure of souls.

1. *Short title.*—This act may be cited as "The Compulsory Church Rate Abolition Act, 1868."

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## ELECTRIC TELEGRAPHS ACT.

31 &amp; 32 VICT. CAP. 110.

## Sect.

## SUMMARY.

1. Short title.
2. Provisions of 26 & 27 Vict. c. 112, incorporated.
3. Interpretation of terms.
4. Power to Postmaster-General to purchase undertakings of telegraph companies
5. Power to telegraph companies to sell their undertakings to the Postmaster-General.
6. Acts, &c., of companies selling their undertakings to remain in force, and the powers thereof to be exercised by the Postmaster-General.
7. Companies may require Postmaster-General to purchase their undertaking under certain circumstances.
8. Provision as to purchase of certain undertakings herein named.
9. Postmaster-General to enter into contracts with certain railway companies.
10. Application of sums received by Reuter's Telegraph Company by virtue of agreement with Postmaster-General.
11. Postmaster-General may acquire a right of way over the Bridgewater Canal.
12. Postmaster-General may acquire a right of way over the Grand Junction Canal.
13. Agreements confirmed.
14. Power to Postmaster-General to lease property.
15. Postmaster-General to make regulations for conduct of business, and to fix charges.
16. Power to Postmaster-General to enter into special agreements with proprietors of newspapers.
17. Messages having priority to be specially marked.
18. Payments to be made by means of stamps.
19. Power to appoint offices for depositing messages.
20. Punishment for disclosing or intercepting messages.
21. Property in telegraphic messages to be laid in Postmaster-General.
22. Postmaster-General to pay rates, &c.
23. Copies of regulations to be laid before Parliament.
24. Provision as to payment of costs to railway and telegraph companies if objects of act not carried out.

## THE STATUTE.

*An Act to enable Her Majesty's Postmaster-General to acquire, work, and maintain Electric Telegraphs.*—[31st July, 1868.]

Sect. 20. *Punishment for disclosing or intercepting messages.*—Any person having official duties connected with the Post Office,

or acting on behalf of the Postmaster-General, who shall, contrary to his duty, disclose or in any way make known or intercept the contents or any part of the contents of any telegraphic messages or any message intrusted to the Postmaster-General for the purpose of transmission, shall, in England and in Ireland, be guilty of a misdemeanor, and in Scotland of a crime and offence, and shall upon conviction be subject to imprisonment for a term not exceeding twelve calendar months; and the Postmaster-General shall make regulations to carry out the intentions of this section, and to prevent the improper use by any person in his employment or acting on his behalf of any knowledge he may acquire of the contents of any telegraphic message.

21. *Property in telegraphic messages to be laid in Postmaster-General.*—In every case where an offence shall be committed in respect of a telegraphic message sent by or intrusted to the Postmaster-General, it shall be lawful and sufficient, in the indictment or criminal letters to be preferred against the offender, to lay the property of such telegraphic message in Her Majesty's Postmaster-General, without specifying any further or other name, addition, or description whatsoever, and it shall not be necessary in the indictment or criminal letters to allege or to prove upon the trial or otherwise that the telegraphic message, was of any value; and in any indictment or in any criminal letters to be preferred against any person employed under the Post Office for any offence committed under this act it shall be lawful and sufficient to state and allege that such offender was employed under the Post Office at the time of the committing of such offence, without stating further the nature or particulars of his employment.

22. *Postmaster-General to pay rates, &c.*—All land, property, and undertakings purchased or acquired by the Postmaster-General under this act shall be assessable and rateable in respect to local, municipal, and parochial rates, assessments, and charges at sums not exceeding the rateable value at which such land, property, and undertakings were properly assessed or assessable at the time of such purchase or acquisition.

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## EXPIRING LAWS CONTINUANCE ACT.

31 &amp; 32 VICT. CAP. 111.

Sect.

## SUMMARY.

Preamble.

1. Short title.
  2. Continuance of acts in schedule.
  3. Not to revive provisions in certain acts, &c.
- Schedule.

## THE STATUTE.

*An Act to continue various expiring Laws.*—[31st July, 1868.]

Whereas the several acts mentioned in the first column of the schedule hereto are wholly, or as to certain provisions thereof, limited to expire at the times specified in respect of such acts in the fourth column of the said schedule; and whereas it is expedient to continue such acts, in so far as they are temporary in their duration, for the times mentioned in respect of such acts respectively in the fifth column of the said schedule: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Short title.*—This act may be cited for all purposes as "The Expiring Laws Continuance Act, 1868."

2. *Continuance of acts in schedule.*—The acts mentioned in column one of the said schedule, and the acts, if any, amending the same, shall, in so far as such acts or any provisions thereof are temporary in their duration, be continued until the times respectively specified in respect of such acts or provisions in the fifth column of the said schedule.

3. *Not to revive provisions in certain acts, &c.*—Nothing in this act contained shall revive any provisions of the acts mentioned in the said schedule which are not in force at the time of the passing of this act.

## SCHEDULE.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
(1) 2 & 3 Vict. c. 74. Oaths, unlawful (Ireland).	11 & 12 Vict. c. 89.	Whole act ...	7th July 1868, and end of then next session. (30 & 31 Vict. c. 143.)	7th July 1869, and end of then next session.
(2) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption.	... ..	Whole act ...	1st October 1868, and end of then next session. (30 & 31 Vict. c. 143.)	1st October 1869, and end of then next session.
(3) 5 & 6 Vict. c. 128. Lunatic Asylums (Ireland).	... ..	Whole act ...	1st August 1868, and end of then next session. (30 & 31 Vict. c. 143.)	1st August 1869, and end of then next session.
(4) 10 Vict. c. 32. Landed Property Im- provement (Ireland).	13 & 14 Vict. c. 81.	As to powers of Com- missioners.	1st January 1868, and end of then next session. (30 & 31 Vict. c. 143.)	1st January 1869, and end of then next session.

(5) 10 & 11 Vict. c. 90. Poor Laws (Ireland).	14 & 15 Vict. c. 68.	As to appointment of Commissioners.	23rd July 1868, and end of then next session. (30 & 31 Vict. c. 143.)	23rd July 1869, and end of then next session.
(6) 10 & 11 Vict. c. 98. Ecclesiastical Juris- diction.	... ..	As to provisions con- tinued by 21 & 22 Vict. c. 50.	1st of August 1868, and end of then next session. (30 & 31 Vict. c. 143.)	1st August 1869, and end of then next session.
(7) 11 & 12 Vict. c. 32. County Cess (Ire- land).	20 & 21 Vict. c. 7.	Whole act ... ..	1st August 1868, and end of then next session. (30 & 31 Vict. c. 143.)	1st August 1869, and end of then next session.
(8) 11 & 12 Vict. c. 107. Sheep and Cattle Diseases Act.	16 & 17 Vict. c. 62. 29 & 30 Vict. c. 4 (Ire- land). 29 & 30 Vict. c. 15.	Whole act ... ..	20th August 1868, and end of then next session. (30 & 31 Vict. c. 125.)	20th August 1869, and end of then next session.
(9) 14 & 15 Vict. c. 104. Episcopal and Capi- tular Estates Man- agement.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124.	Whole act ... ..	1st January 1867, and end of then next session. (30 & 31 Vict. c. 143.)	1st January 1869, and end of then next session.

1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
(10) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	26 & 27 Vict. c. 29.	Whole act ...	8th June 1868, and end of then next session. (26 & 27 Vict. c. 29.)	8th June 1869, and end of then next session.
(11) 17 & 18 Vict. c. 117. Incumbered Estates (West Indies).	21 & 22 Vict. c. 96. 25 & 26 Vict. c. 45. 27 & 28 Vict. c. 108.	As to appointment of Commissioners.	2nd August 1869. (30 & 31 Vict. c. 143.)	2nd August 1870.
(12) 19 & 20 Vict. c. 36. Preservation of the Peace (Ireland).	23 & 24 Vict. c. 138. 28 & 29 Vict. c. 118.	Whole act ...	1st July 1868, and end of then next session. (30 & 31 Vict. c. 143.)	1st July 1869, and end of then next session.
(13) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	... ... 28 & 29 Vict. c. 121.	As to appointment of inspectors, s. 31. As to appointment of the Special Commissioners for English Fisheries. As to the powers of Com- missioners, &c.	1st October 1868, and end of then next session. (30 & 31 Vict. c. 143.)	1st October 1869, and end of then next session.
(14) 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland).	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.		1st January 1868, and end of then next session. (29 & 30 Vict. c. 102.)	1st January 1869, and end of then next session.

(15) 26 & 27 Vict. c. 105. Promissory Notes.	...	...	Whole act	...	28th July 1868, and end of then next session. (30 & 31 Vict. c. 143.)	28th July 1869, and end of then next session.
(16) 26 & 27 Vict. c. 114. Salmon Fisheries (Ireland).	...	...	As to duration of office of the Special Commis- sioners for Irish Fish- eries, and all powers, rights, and privileges appertaining thereto.	...	28th July 1868, and end of then next session. (30 & 31 Vict. c. 143.)	1st August 1869.
(17) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland).	...	...	Whole act	...	13th May 1868, and end of then next session. (30 & 31 Vict. c. 143.)	13th May 1869, and end of then next session.
(18) 27 & 28 Vict. c. 92. Public Schools.	...	...	Whole act	...	1st August 1868, and end of then next session. (30 & 31 Vict. c. 143.)	1st August 1869, and end of then next session.
(19) 28 & 29 Vict. c. 46. Militia Ballots Sus- pension.	...	...	Whole act	...	1st October 1868, and end of then next session. (30 & 31 Vict. c. 143.)	1st October 1869, and end of then next session.
(20) 28 & 29 Vict. c. 83. Locomotives on Roads.	...	...	Whole act	...	1st September 1868, and end of then next session. (30 & 31 Vict. c. 143.)	1st September 1869, and end of then next session.



1. Original Acts.	2. Amending Acts.	3. How far temporary.	4. Time of Expiration of temporary Provisions.	5. Continued until
(21) 29 & 30 Vict. c. 2. "The Cattle Diseases Prevention Act."	29 & 30 Vict. c. 110. 30 & 31 Vict. c. 125.	The whole act ...	20th August 1868, and end of then next session. (30 & 31 Vict. c. 125.)	20th August 1869, and end of then next session.
(22) 29 & 30 Vict. c. 121. (Extradition Treaties Act Amendment).	... ..	Whole act ...	1st September 1868... .. (30 & 31 Vict. c. 143.)	1st September 1869, and end of then next session.
(23) 30 & 31 Vict. c. 141. Master and Servant.	... ..	Whole act ...	20th August 1868, and end of then next session. (30 & 31 Vict. c. 141.)	20th August 1869, and end of then next session.

## 31 &amp; 32 VICT. CAP. 112.

*An Act to amend the Law of Registration in Ireland.—*  
*[31st July, 1868.]*

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## 31 &amp; 32 VICT. CAP. 113.

*An Act to render valid Marriages heretofore solemnised in the Chapel of Ease called Saint James-the-Greater Chapel, Blakedown, in the Parish of Hagley in the County of Worcester.—[31st July, 1868.]*

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## ECCLESIASTICAL COMMISSIONERS ACT.

## 31 &amp; 32 VICT. CAP. 114.

Sect.

## SUMMARY.

Preamble.

1. Short title.
2. Definition of property.
3. Objects of scheme.
4. Capital sum for fabric.
5. Order in Council confirming scheme to be made, &c., under 3 & 4 Vict. c. 113, ss. 84 to 89.
6. Order to effect transfer without conveyance.
7. Saving of trusts.
8. Application of transferred property.
9. Leases by dean or chapter when re-endowed.—See 23 & 24 Vict. c. 124—5 & 6 Vict. c. 27.
10. Settlement of treaty and its terms may be referred to arbitration.
11. This act or 23 & 24 Vict. c. 124 not to affect provisions as to leases, &c., contained in 5 & 6 Vict. c. 108 and 21 & 22 Vict. c. 57.
12. Amendment of law relating to schemes for securing the better performance of clerical duties in ill-endowed parishes.
13. Application of act to canonries, &c.
14. Exemption.
15. Sect. 5 of 29 & 30 Vict. c. 111 to apply to all payments, &c. under 13 & 14 Vict. c. 41, 21 & 22 Vict. c. 58, 29 & 30 Vict. c. 86, and 30 & 31 Vict. c. xxvi.

## THE STATUTE.

*An Act to amend the Law relating to the Ecclesiastical Commissioners for England.—[31st July, 1868.]*

Whereas it is expedient to amend the acts relating to the Ecclesiastical Commissioners for England: Be it enacted by the

Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Short title.*—This act may be cited as "The Ecclesiastical Commission Act, 1868."

2. *Definition of property.*—In this act the term "property" includes all property, real, personal, and mixed, vested in the person or body corporate with reference to whom the word is used, or to which such person or body is entitled, whether such property is in possession or in reversion or contingent, or a thing in action, or is held in trust for him or them, or is standing in the name of the Accountant-General of the Court of Chancery.

3. *Objects of scheme.*—The Ecclesiastical Commissioners for England (in this act referred to as the commissioners) may, with the consent in writing of any dean and chapter in England under their common seal, and of the visitor of such dean and chapter, from time to time lay before Her Majesty in Council schemes for effecting with respect to the consenting dean and chapter all or any of the following things ; namely,

- (1.) For transferring to the commissioners the whole or some specified part of the property of the dean and chapter (except the cathedral or collegiate church and the buildings belonging thereto, and any ecclesiastical, educational, or other like patronage,) for such consideration, whether consisting of a money payment or other property, or partly one and partly the other, and generally on such terms, as the commissioners think fair and reasonable, including the extinguishment of any right of the commissioners to receive any part of the income or property of the dean and chapter, or of any member thereof :
- (2.) For transferring lands to the dean and chapter in lieu of any annual sum payable to them by the commissioners either under this act or otherwise :
- (3.) For making such incidental provisions as may be necessary for carrying into effect any of the above-mentioned objects.

4. *Capital sum for fabric.*—The commissioners on a transfer under this act may set apart as part of the consideration a

capital sum to be expended to the satisfaction of the commissioners in substantial repairs, restoration, and improvements of the cathedral or collegiate church and the buildings belonging thereto.

5. *Order in council confirming scheme to be made, &c. under 3 & 4 Vict. c. 113, ss. 84 to 89.*—The following sections of the act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and thirteen, “to carry into effect, with certain modifications, the fourth report of the Commissioners of Ecclesiastical Duties and Revenues,” namely, sections eighty-four to eighty-nine (both inclusive), which relate to the making, publishing, and registering of an order in council for ratifying a scheme, and to the laying the same before Parliament, shall apply to any scheme made under this act in the same manner as if they were herein enacted.

6. *Order to effect transfer without conveyance.*—After the date of the publication of an order in council ratifying any scheme made in pursuance of this act, and without any further conveyance or act in the law, the property expressed to be thereby transferred shall (so far as the same can be vested by this act) vest in the transferees and their successors and (so far as the same cannot be so vested) shall be deemed to be held in trust for the transferees and their successors; and the transferees and their successors shall, so far as may be, take the same for the same estate and interest and subject to the same liabilities for and subject to which it was held at the said date by the dean and chapter or the commissioners, as the case may be.

7. *Saving of trusts.*—Nothing in this act, or in any order in council made thereunder, shall affect the liability of any property to any trust other than a trust for the benefit of a dean and chapter, or some member thereof.

8. *Application of transferred property.*—All property transferred to the commissioners by an order in council under this act shall be held by them in the same manner, and for the same purposes, and subject to the same provisions, as the property of which the rents and profits are to be carried over to their common fund, and the income thereof shall be applied accordingly; and all property transferred to a dean and chapter by an order in council under this act shall be held upon the trusts

and for the purposes directed by the order, and subject thereto shall form part of the endowment of such dean and chapter; and any annual sum paid to a dean and chapter in pursuance of an order in council under this act shall be applied in the manner in which it would be applicable if it were the income of property transferred to the dean and chapter.

9. *Leases by dean or chapter when re-endowed* (see 23 & 24 Vict. c. 124—5 & 6 Vict. c. 27).—After the passing of this act none of the dean and chapters mentioned in the schedule to an act of the present session, chapter nineteen, intituled “An Act for declaring valid certain Orders of Her Majesty in Council relating to the Ecclesiastical Commissioners for England, and to the Deans and Chapters of certain Churches,” and no dean and chapter, after the making of any order in council respecting them in pursuance of this act, shall demise any lands vested in them otherwise than from year to year, or for a term of years in possession, not exceeding twenty-one, at the best annual rent that can be reasonably got without fine, and shall not make the lessee punishable for or exempt from liability in respect of waste; and in every such lease such or the like covenants, conditions, and reservations shall be entered into, reserved, or contained with or for the benefit of the dean and chapter, and their successors, as under section one of the act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter twenty-seven, “for better enabling incumbents of ecclesiastical benefices to demise the lands belonging to their benefices on farming leases,” are to be entered into, reserved, or contained with or for the benefit of the lessor and his successors in a lease granted under that section, or as near thereto as the circumstances admit.

10. *Settlement of treaty and its terms may be referred to arbitration*.—In all cases where an agreement has been or shall be entered into, or a treaty has been or shall be commenced, or is or shall be pending, between a dean and chapter and any of their lessees, for any sale and purchase under the acts of the fourteenth and fifteenth Victoria, chapter one hundred and four, seventeenth and eighteenth Victoria, chapter one hundred and sixteen, or twenty-third and twenty-fourth Victoria, chapter one hundred and twenty-four, and the capitular estate is transferred to the commissioners under the provisions of this act, it shall be

competent to the Church Estates Commissioners to approve and confirm as heretofore such agreement, and to continue and bring to a conclusion and approve such treaty: Provided always, that in the event of the Church Estates Commissioners declining to approve such agreement or treaty, the Ecclesiastical Commissioners shall be bound to purchase the lessee's interest, if required by the lessee, with all the benefits, as to arbitration and otherwise, to which lessees are entitled under the above-mentioned acts or any of them; and in every case the costs of such arbitration and award shall be in the discretion of the said arbitrators or umpire, as the case may be.

11. *This act or 23 & 24 Vict. c. 124 not to affect provisions as to leases, &c., contained in 5 & 6 Vict. c. 108 and 21 & 22 Vict. c. 57.*—The provisions contained in this act, or in the act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and twenty-four, "further to amend the acts relating to the Ecclesiastical Commissioners, and the act concerning the management of episcopal and capitular estates in England," shall not affect any of the provisions relating to leases, appropriations, sales, or exchanges contained in the ecclesiastical leasing acts.

12. *Amendment of law relating to schemes for securing the better performance of clerical duties in ill-endowed parishes.*—Where in pursuance of the seventy-third section of the act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and thirteen, and of any act amending the same, any scheme has, before or after the passing of this act, been prepared, transferring or purporting to transfer to any ecclesiastical corporation, whether aggregate or sole, or to any person or persons, any advowson or other estate or interest in real or personal property, such scheme, if and when the same has been ratified by order in council, shall, without any deed, conveyance, or act in the law, be effectual for vesting in such corporation, person or persons, any such advowson or other interest in real or personal property, and for enabling such corporation, person or persons, to hold the same upon the trusts and according to the tenor of such scheme, any law or statute to the contrary notwithstanding.

13. *Application of act to canonries, &c.*—The provisions of this act with respect to the property of deans and chapters shall

apply in the case of the property of any deanery, canonry, prebend, archdeaconry, or office in any cathedral or collegiate church in England in the like manner, *mutatis mutandis*, as they apply to the property of a dean and chapter.

14. *Exemption.*—Nothing in this act contained shall affect or apply to the cathedral or collegiate church of Manchester, or to “The Parish of Manchester Division Act, 1850;” and nothing in this act contained, except section twelve, shall affect or apply to the cathedral church of Christ, Oxford.

15. *Sect. 5 of 29 & 30 Vict. c. 111, to apply to all payments &c. under 13 & 14 Vict. c. 41, 21 & 22 Vict. c. 58, 29 & 30 Vict. c. 86, and 30 & 31 Vict. c. 26.*—Section five of the act of the session of the twenty-ninth and thirtieth years of the reign of Her present Majesty, chapter one hundred and eleven, intituled “An Act to further amend the Acts relating to the Ecclesiastical Commissioners for England,” shall apply to all payments, conveyances, and appropriations directed or made in pursuance of “The Parish of Manchester Division Act, 1850,” “The Stanhope and Wolsingham Rectories Act, 1858,” “The Rochdale Vicarage Act, 1866,” and “The Bishoptwearmouth Rectory Act, 1867,” for providing for the cure of souls, or for payments to or endowments for incumbents or ministers, in the same manner as if such payments, conveyances, and appropriations were the payments and conveyances mentioned in the said section five, and every instrument made as provided in that section shall have effect as if it were a scheme ratified by an order in council. It shall not be necessary to publish in the *London Gazette* any map or plan which for the better identification of any property may be indorsed on or annexed to any instrument or grant made or passed in pursuance of the said fifth section or of this section.

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## SANITARY ACT (1866) AMENDMENT ACT.

31 & 32 VICT. CAP. 115.

Sect.

SUMMARY.

Preamble—29 & 30 Vict. c. 90.

1. Short title.
2. Application of act.
3. Definition of “sewer authority.”
4. Power to sewer authority in relation to privies.

5. Power of sewer authorities to sewerage.
6. Incorporation of provisions of 11 & 12 Vict. c. 63 as to private improvement expenses.
7. Earth-closets may in certain cases be constructed instead of waterclosets.
8. Provision for recovery of expenses by Secretary of State.
9. As to recovery of penalties.
10. Amendment of sect. 37 of 29 & 30 Vict. c. 90.
11. Construction of first part of "The Sanitary Act, 1866."

## THE STATUTE.

*An Act to amend "The Sanitary Act, 1866."*—[31st July, 1868.]

29 & 30 Vict. c. 90.—Whereas it is expedient to make further provision for the removal of refuse matter from dwelling-houses, and to amend "The Sanitary Act, 1866.:"

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Short title.*—This act may be cited for all purposes as "The Sanitary Act, 1868."

2. *Application of act.*—This act shall not extend to Scotland or Ireland.

3. *Definition of "sewer authority."*—"Sewer authority" in this act shall have the same meaning as it has in "The Sewage Utilisation Act, 1865."<sup>(1)</sup>

4. *Power to sewer authority in relation to privies.*—The following sections of "The Public Health Act, 1848,"<sup>(2)</sup> as amended by any subsequent act of Parliament, that is to say,

- (1.) The fifty-first section, requiring every new house and every house pulled down to or below the ground floor and rebuilt to have a sufficient watercloset or privy and ashpit;<sup>(3)</sup>

<sup>(1)</sup> 28 & 29 Vict. c. 75, s. 3: (see Pract. Stats. 1865, p. 117.)

<sup>(2)</sup> This is 11 & 12 Vict. c. 63.

<sup>(3)</sup> The following is sect. 51 of 11 & 12 Vict. c. 63: "And be it enacted, that it shall not be lawful newly to erect any house, or to rebuild any house pulled down to or below the floor commonly called the ground floor, without a sufficient watercloset or privy and an ashpit, furnished with proper doors and coverings, and whosoever offends against this enactment shall be liable to a penalty not exceeding twenty pounds, and if at any time upon the report of the surveyor it appear to the local board of health that any house, whether built before or after the time when this act is applied to



- (2.) And the fifty-fourth section as amended by any subsequent act of Parliament, providing that the local board of health shall see that drains, waterclosets, privies, and ashpits within their district do not become a nuisance ;<sup>(4)</sup>

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the district in which it is situate, is without a sufficient watercloset or privy, and an ashpit furnished with proper doors and coverings, the said local board shall give notice in writing to the owner or occupier of such house requiring him forthwith, or within such reasonable time as shall be specified therein, to provide a sufficient watercloset or privy and an ashpit so furnished as aforesaid, or either of them, as the case may require ; and if such notice be not complied with, the said local board may, if they shall think fit, cause to be constructed a sufficient watercloset or privy and an ashpit, or either of them, or do such other works as the case may require, and the expenses incurred by them in so doing shall be recoverable by them from the owner in a summary manner, or by order of the said local board shall be declared to be private improvement expenses, and be recoverable as such in manner hereinafter provided : Provided always, that where a watercloset or privy has been and is used in common by the inmates of two or more houses, or if in the opinion of the said local board a watercloset or privy may be so used they need not require the same to be provided for each house.

(4) The following is sect. 54 of 11 & 12 Vict. c. 63 : " And be it enacted, that the local board of health shall see and provide that all drains whatsoever, and the waterclosets, privies, cesspools, and ashpits within their district are constructed and kept so as not to be a nuisance or injurious to health, and the surveyor may by written authority of the said local board (who are hereby empowered to grant such authority upon the written application of any person showing that the drain, watercloset, privy, cesspool, or ashpit, in respect of which application is made is a nuisance or injurious to health, but not otherwise), and after twenty-four hours' notice in writing, or in case of emergency without notice, to the occupier of the premises to which such drain, watercloset, privy, cesspool, or ashpit, is attached or belongs, enter such premises with or without assistants, and cause the ground to be opened and examined, and lay open such drain, watercloset, privy, cesspool, or ashpit, and if the drain, watercloset, privy, cesspool, or ashpit in respect of which such examination is made be found to be in proper order and condition he shall cause the ground to be closed and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the said local board ; but if upon such examination such drain, watercloset, privy, cesspool, or ashpit appear to be in bad order and condition, or to require alteration or amendment, he shall cause the ground to be closed, and the said local board shall cause notice in writing to be given to the owner or occupier of the premises upon or in respect of which the examination was made requiring him forthwith or within such reasonable time as shall be specified in such notice to do the necessary works, and if such notice be not complied with the

shall extend to the district of every sewer authority in which there is no enactment of any public or private act of Parliament to the like effect in force; and the said sections when so extended shall be construed in reference to the district of any sewer authority as if the expression "sewer authority" were inserted therein in the place of the expression "local board" and any officer for the time being appointed by the sewer authority to examine any premises shall be deemed to be the surveyor within the meaning of the said sections.

Where the sewer authority and the nuisance authority of a district are different bodies of men, the jurisdiction of the nuisance authority shall cease within such district in relation to all matters within the purview of the said sections of "The Public Health Act, 1848," and any sewer authority to whose district the said sections are extended making default in enforcing their provisions shall be subject to proceedings under "The Sanitary Act, 1866," in the same manner as if it had made default in providing its district with sufficient sewers.

5. *Power of sewer authorities to sewerage.*—A sewer authority shall within their district have all the powers vested in a local board by the thirty-second section of "The Local Government Act, 1858,"<sup>(5)</sup> as amended by any subsequent act of Parliament, so far as relates to—

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person to whom it is given shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default, and the said local board may, if they shall think fit, execute such works, and the expenses incurred by them in so doing shall be recoverable by them from the owner in a summary manner, or by order of the said local board shall be declared to be private improvement expenses, and be recoverable as such in the manner hereinafter provided." These by sect. 90 are recoverable by a rate which the local board are empowered, if they think proper, to make and levy upon the occupier of the premises in respect of which the expenses have been incurred. By sect. 91 the occupier, if he holds the premises at a rackrent, may deduct three-fourths of the rate he has so paid from his rent.

(5) "The Local Government Act, 1858," is 21 & 22 Vict. c. 98, and that act has been amended by 24 & 25 Vict. c. 61, and 26 & 27 Vict. c. 17. The 32nd section of 21 & 22 Vict. c. 98, *inter alia*, authorises the local board to remove or to contract for the removal of house refuse, and to cleanse or contract for the cleansing of privies, ashpits, and cesspools, or to impose by by-laws the duty of such removal or cleansing on the occupier of the premises. It also imposes a penalty on any person obstructing such removal, and gives power to the local board to make by-laws for the prevention of nuisances from filth, &c. : (see Pract. Stats. 1858, p. 230.)

(1.) The removal of house refuse from premises ;

(2.) The cleansing of privies, ashpits, and cesspools ;

and the paragraphs numbered (1), (2), and (3) of the said section shall be construed in reference to the district of any sewer authority as if the expression "sewer authority" were inserted therein in the place of the expression "local board."

Where the sewer authority and the nuisance authority are different bodies of men, the jurisdiction of the nuisance authority in such district shall cease in respect to all matters over which the sewer authority acquires power by this section.

6. *Incorporation of provisions of 11 & 12 Vict. c. 63, as to private improvement expenses.*—The provisions of "The Public Health Act, 1848," relating to private improvement expenses, (\*) as amended by any subsequent act of Parliament, shall be deemed to be incorporated with this act, so far as may be required for carrying into effect any provision of this act.

7. *Earth-closets may in certain cases be constructed instead of waterclosets.*—Any enactment of any act of Parliament in force in any place requiring the construction of a watercloset shall, with the approval of the local authority, be satisfied by the construction of an earth-closet, or other place for the reception and deodorisation of fœcal matter, made and used in accordance with any regulation from time to time issued by the local authority.

The local authority may as respects any houses in which such earth-closets or other places as aforesaid are in use with their approval, dispense with the supply of water required by any contract or enactment to be furnished to the waterclosets in such houses, on such terms as may be agreed upon between such authority and the persons or body of persons providing or required to provide such supply of water.

The local authority may themselves undertake or contract with any person to undertake a supply of dry earth or other deodorising substance to any house or houses within their district for the purpose of any earth-closets or other places as aforesaid.

The local authority may themselves construct or require to be constructed earth-closets or other such places as aforesaid in all

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(\*) Sects. 90 & 91 of 11 & 12 Vict. c. 63: (see *ante*, note (\*), p. 281.)

cases where, under any enactment in force, they might construct waterclosets or privies, or require the same to be constructed, with this restriction, that no person shall be required to construct an earth-closet or other place as aforesaid in any house instead of a watercloset if he prefer to comply with the provisions of the enactment in force requiring the construction of a watercloset, and a supply of water for other purposes is furnished to such house, and that no person shall be put to greater expense in constructing an earth-closet or other place as aforesaid than he would be put to by compliance with the provisions of any enactment as to waterclosets or privy accommodation which he might have been compelled to comply with if this section had not been passed.

Local authority shall, for the purposes of this act, mean any local board and any sewer authority.

8. *Provision for recovery of expenses by Secretary of State.*—Whereas by the forty-ninth section of "The Sanitary Act, 1866," power is given to one of Her Majesty's principal Secretaries of State in case of any sewer authority, local board, or nuisance authority making default in performing the sanitary duties specified in the said section, and imposed on them by act of Parliament, to appoint a person to perform the same, and to direct by order that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, together with the cost of the proceedings, shall be paid by the authority in default, and that any order made for the payment of such costs and expenses may be removed into the Court of Queen's Bench, and be enforced in the same manner as if the same were an order of such court: and whereas it is expedient to make further provision for enforcing payment of any sum so specified as aforesaid in the order of the Secretary of State, together with the costs of the proceedings occasioned by the default made in payment of such sum.

Be it enacted, that the sum so specified in the order of the Secretary of State, together with the costs of the proceedings, shall be deemed to be expenses properly incurred by the authority in default and to be a debt due from such authority, and payable out of any moneys in the hands of such authority or their officers, or out of any rate applicable to the payment of

any expenses properly incurred by the defaulting authority, and which rate is in this section referred to as the local rate; and in the event of any authority refusing to pay any such sum with costs as aforesaid for a period of fourteen days after demand, the Secretary of State may by precept empower any person to levy by and out of the local rate such sum (the amount to be specified in the precept) as may, in the opinion of the said Secretary of State, be sufficient to defray the debt so due from the defaulting authority, and all expenses incurred in consequence of the nonpayment of such debt; and any person or persons so empowered shall have the same powers of levying the local rate, and requiring all officers of the defaulting authority to pay over any moneys in their hands, as the defaulting authority itself would have in the case of expenses legally payable out of a local rate to be raised by such authority; and the said person or persons, after repaying all sums of money so due in respect of the precept, shall pay the overplus, if any (the amount to be ascertained by the Secretary of State), to or to the order of the defaulting authority.

9. *As to recovery of penalties.*—Penalties under any section incorporated with this act shall be recovered in manner directed by the act passed in the session holden in the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three.

All powers conferred by this act shall be deemed to be in addition to and not in derogation of any other powers conferred by any other act of Parliament, and any such other powers may be exercised as if this act had not passed.

Nothing in this act contained shall be deemed to exempt any person from any penalty to which he would have been liable if this act had not been passed.

Provided that no person who has been adjudged to pay any penalty in pursuance of this act shall for the same offence be liable to a penalty under any other act.

10. *Amendment of sect. 37 of 29 & 30 Vict. c. 90.*—The sewer authority, or in the metropolis the nuisance authority, shall have the like power to make provision for the temporary supply of medicine and medical assistance for the poorer inhabitants as it now has to provide hospitals or temporary places for the reception of the sick under the thirty-seventh section of "The

Sanitary Act, 1866," but such power to make provision for the temporary supply of medicine and medical assistance shall not be exercised without the sanction of Her Majesty's Privy Council.

11. *Construction of first part of "The Sanitary Act, 1866."*—In the construction of the first part of "The Sanitary Act, 1866," "owner" shall have the same meaning as it has in the second part of the said act; and notices may be served for the purposes of the first part of the said act in the same manner in which they are required to be served under the second part of the said act.

## LARCENY AND EMBEZZLEMENT ACT.

31 & 32 VICT. CAP. 116.

Sect.

### SUMMARY.

Preamble.

1. Member of co-partnership guilty of converting to his own use, &c., property of co-partnership liable to be tried as if not such member.
2. Provisions of 18 & 19 Vict. c. 126, extended to embezzlement by clerks or servants.
3. Extent of act.

### INTRODUCTION.

Hitherto a member of a co-partnership or part owner of the money or property stolen or embezzled could not be convicted of such larceny or embezzlement. See a late instance of this in *Reg. v. Bren* (33 L. J. M. C. 59), where an attempt was made, but unsuccessfully, to make such person liable as servant to the other members. This is now altered by this act; and such person henceforth may be tried and convicted as if he were not such member or part owner.

"The Criminal Justice Act, 1855" (18 & 19 Vict. c. 126), which enables the justices to dispose of summarily instead of sending for trial cases of simple larceny where the value of the property does not exceed 5s., or in other cases where the prisoner pleads guilty, and the case is one which, in the opinion of the justices, may be disposed of summarily, is extended by the present act to embezzlement by clerks or servants.

### THE STATUTE.

*An Act to amend the Law relating to Larceny and Embezzlement.*—  
[31st July, 1868.]

Whereas it is expedient to provide for the better security of the property of co-partnerships and other joint beneficial owners

against offences by part owners thereof, and further to amend the law relating to embezzlement: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Member of co-partnership guilty of converting to his own use, &c. property of co-partnership liable to be tried as if not such member.*—If any person, being a member of any co-partnership, or being one of two or more beneficial owners of any money, goods, or effects, bills, notes, securities, or other property, shall steal or embezzle any such money, goods, or effects, bills, notes, securities, or other property of or belonging to any such co-partnership or to such joint beneficial owners, every such person shall be liable to be dealt with, tried, convicted, and punished for the same as if such person had not been or was not a member of such co-partnership or one of such beneficial owners.

2. *Provisions of 18 & 19 Vict. c. 126, extended to embezzlement by clerks or servants.*—All the provisions of the act passed in the session of Parliament held in the eighteenth and nineteenth years of Her present Majesty's reign, intituled "An Act for diminishing Expense and Delay in the Administration of Criminal Justice in certain Cases,"<sup>(1)</sup> shall extend and be applicable to the offence of embezzlement by clerks or servants, or persons employed for the purpose or in the capacity of clerks or servants, and the said act shall henceforth be read as if the said offence of embezzlement had been included therein.

3. *Extent of act.*—This act shall not extend to Scotland.

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## DISTRICT CHURCH TITHES ACT AMENDMENT ACT.

31 & 32 VICT. CAP. 117.

Sect.

SUMMARY.

Preamble.

1. Sect. 9 of 28 & 29 Vict. c. 42, repealed.
2. Incumbents of certain parishes, &c. to be vicars.

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(<sup>1</sup>) See the nature of this act in introduction.

## THE STATUTE.

*An Act to amend "The District Church Tithes Act, 1865," and to secure Uniformity of Designation amongst Incumbents in certain Cases.*—[31st July, 1868.]

Whereas it is expedient to amend the provisions of "The District Church Tithes Act, 1865," in reference to the style and designation of certain of the beneficed clergy of the United Church of England and Ireland: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Sect. 9 of 28 & 29 Vict. c. 42, repealed.*—The ninth section of the said "District Church Tithes Act, 1865," shall be and the same is hereby repealed.<sup>(1)</sup>

2. *Incumbents of certain parishes, &c. to be vicars.*—The incumbent of the church of every parish or new parish for ecclesiastical purposes, not being a rector, who is or shall be authorised to publish banns of matrimony in such church, and to solemnise therein marriages, churchings, and baptisms, according to the laws and canons in force in this realm, and who is or shall be entitled to take, receive, and hold for his own sole use and benefit the entire fees arising from the performance of such offices, without any reservation thereout, shall, from and after the passing of this act, for the purpose of style and designation, but not for any other purpose, be deemed and styled the vicar of such church and parish or new parish, as the case may be, and his benefice shall for the same purpose be styled and designated a vicarage.<sup>(2)</sup>

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<sup>(1)</sup> See note to next section.

<sup>(2)</sup> This short act has given rise to much controversy. The question has been whether the title of perpetual curate has ceased to exist, so that henceforth all beneficed clergy of the Church of England are to be designated either as rectors or vicars. This depends on the meaning of the words "every parish or new parish for ecclesiastical purposes" at the commencement of this section. Is the word "parish" restricted to "parish for ecclesiastical purposes," or does it include any parish as distinguished from a "new parish for ecclesiastical purposes?" The act professes to be only an act to amend "The District Church Tithes Act, 1865" (28 & 29 Vict. c. 42), as is manifest not only by its title but by the recital, which states the expediency of amending the provisions of



## 31 &amp; 32 VICT. CAP. 118.

*An Act to make further Provision for the good Government and Extension of certain Public Schools in England.* (1)—[31st July, 1868.]

that act. The act, having this object in view, begins by expressly repealing the 9th section of 28 & 29 Vict. c. 42, and then enacts this 2nd section. It is evident, therefore, that this 2nd section is intended to be a substitution for sect. 9, and that such is the amendment which it is considered expedient to make; consequently, to understand this 2nd section, it is necessary to look at what was sect. 9, which has been repealed. That section enacts that "where tithes of any kind or amount belong to, or shall, to the satisfaction of the Ecclesiastical Commissioners, be transferred to, the incumbent of *the church of any parish*, chapelry or district," "it shall be lawful for the said commissioners, by instrument under their common seal, to declare that *such church* shall be and deemed to be either a rectory or vicarage as they may under the circumstances of each case think proper." The interpretation clause to that act defines "district" to include "any parish formed under the new Parishes Acts, 1843, 1844, and 1856, or any of such acts" (which might therefore be called a new parish), "or any ancient or consolidated chapelry, or any parish or district formed under any of the Church Building Acts, or any other general or local acts." But there is no definition given of the word "parish;" and, construing it as it stands in the 9th section, it would seem to mean something different and distinguishable from "district" as defined by that act, consequently different from a parish formed under the new Parish Acts, or any of the Church Building Acts. One cannot but think, therefore, that the Ecclesiastical Commissioners had power under that section to declare the church of any parish whatever a rectory or vicarage, provided tithes belonged to its incumbent. The intention of this act is to take away that power from the commissioners, and to give at once the title of vicar to the incumbent of the church referred to in that 9th section, provided he is not a rector, and provided he fulfils the other condition in this 2nd section, which is substituted for the condition of being entitled to tithes as required by the 9th section. Though it would perhaps have been better if the same words had been used in both sections, still one is inclined to think that the expression "church of every parish or new parish for ecclesiastical purposes" is, so far as regards the present question, analogous to that of "church of any parish, chapelry, or district," as defined by 28 & 29 Vict. c. 42; and that, as the commissioners might have declared the church of any perpetual curate to whom the tithes belonged a vicarage, so now such church is a vicarage, and the perpetual curate is the vicar if he is authorised to publish banns of matrimony in such church and fulfils the other conditions of this 2nd section.

(1) The public schools to which this act applies are Eton, Winchester, Westminster, Charterhouse, Harrow, Rugby, and Shrewsbury. The act enables the governing bodies of these schools to make regulations for their better management and greater efficiency.

## REGULATION OF RAILWAYS ACT.

31 &amp; 32 VICT. c. 119.

## SUMMARY.

Sect.

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2. Interpretation of terms.

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3. Uniform accounts, &c., to be kept.
4. Accounts, &c., to be signed, and printed copies distributed.
5. Penalty for falsifying accounts, &c.
6. Examination of affairs by inspectors.
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- 46. Extension of time.
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### INTRODUCTION.

The great depreciation of railway property, through mismanagement and heedless extension of lines, and the great interest which the public as well as the shareholders have in the proper working of the railway system, have for some time past necessitated some legislation on the subject. The present measure, though far from being a comprehensive one, is intended to remedy some of the existing evils; and though it applies chiefly to the internal regulation and management of these companies, with a view to protect the rights of shareholders and those who have lent money on railways, it contains some provisions of a more general nature, which relate to and concern passengers and the rest of the public.

The first part of the act relates to the accounts of railway companies; and, in order to establish a uniform mode of keeping accounts, it makes it compulsory on all such companies to adopt the forms of accounts given in the schedule to this act. Different forms have hitherto been used by different companies, so that it

has been impossible to compare the accounts of various companies; and by entering to capital account what ought to be charged to the revenue account, and *vice versa*, it has been easy to so mystify the accounts as to prevent the discovery of what is the true expenditure. This will not perhaps be altogether prevented by the present act; but probably the accounts will be more intelligible and easily examined than they have hitherto been. The provisions in "The Companies Act, 1862," as to the examination of the affairs of any company under that act, by inspectors appointed by the Board of Trade, are to be extended to railway companies. Further, as a check against incurring unnecessary expenses whenever a railway company applies to Parliament for additional powers, provision is made for giving the shareholders an opportunity of expressing their opinion on the advisability of the proceeding; and, unless it be approved of by proprietors representing three-fourths of the paid-up capital of the company, represented at such meeting, it is not to be continued; but, as proxies are to be allowed, the directors may probably be able to obtain the majority required for sanctioning any measure they may recommend, and the provision for protecting shareholders may not be as effectual as is intended.

Amongst the clauses of a general character is one giving the company the protection of the usual exception of certain risks specified in a bill of lading when they contract to carry goods partly by land and partly by sea. This protection, however, is not limited to railway companies, but is to extend to all canal or other inland navigation companies or owners. It was in contemplation to remove "silk" from the enumerated articles in the Carriers Act, it being represented on behalf of the manufacturers that there was no reason for making any distinction between silk and cotton as regards the risk of carriage; but the railway companies succeeded in preventing this alteration. On the other hand, they have failed in getting a clause into the act to prevent common carriers sending packed parcels for carriage by the rail—a system against which the companies have constantly complained, as depriving them of considerable profits which they would otherwise be able to make.

The act obliges every company after the 1st of April next year to provide such efficient means of communication between passengers and the company's servants as the Board of Trade

may approve. Both the necessity and practicability of such a communication have been demonstrated by Colonel Yolland; and any passenger who makes use of the means of communication without sufficient cause is to be made liable to a pecuniary penalty. The act further contains two new clauses as regards compensations. Compensation for accidents may be determined by an arbitrator appointed by the Board of Trade; but as this is only to be on the joint application to the board of both the company and the party claiming compensation, it is not likely to occur often. Questions of compensation in respect of lands taken by the company, or injuriously affected by the execution of their works, may, however, be tried by an issue, as in ordinary actions, instead of, as heretofore, by a compensation jury summoned according to "The Lands Clauses Consolidation Act." As this may be done at the instance of either the company or the party claiming compensation, it may not unfrequently be resorted to, since the new proceeding will have the advantage of being presided over by a competent judge; though whether it will be found to be less expensive than the old may be questionable.

#### THE STATUTE.

*An Act to amend the Law relating to Railways.*—[31st July, 1868.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

#### *Preliminary.*

Sect. 1. *Short title.*—This act may be cited as "The Regulation of Railways Act, 1868."

2. *Interpretation of terms.*—In this act—

The term "railway" means the whole or any portion of a railway or tramway, whether worked by steam or otherwise:

The term "company" means a company incorporated, either before or after the passing of this act, for the purpose of constructing, maintaining, or working a railway in the United Kingdom (either alone or in conjunction with any other purpose), and includes, except when otherwise expressed, any individual or individuals not incorporated

who are owners or lessees of a railway in the United Kingdom, or parties to an agreement for working a railway in the United Kingdom :

The term "person" includes a body corporate.

I.—*Accounts, Audit, &c.*

3. *Uniform accounts, &c. to be kept.*—Every incorporated company, seven days at least before each ordinary half-yearly meeting held after the thirty-first day of December, one thousand eight hundred and sixty-eight, shall prepare and print, according to the forms contained in the first schedule to this act, a statement of accounts and balance sheet for the last preceding half year, and the other statements and certificates required by the same schedule, and an estimate of the proposed expenditure out of capital for the next ensuing half year, and such statement of accounts and balance sheet shall be the statement of accounts and balance sheet which are submitted to the auditors of the company. Every company which makes default in complying with this section shall be liable to a penalty not exceeding five pounds for every day during which such default continues. The Board of Trade, with the consent of a company, may alter the said forms as regards such company for the purpose of adapting them to the circumstances of such company, or of better carrying into effect the objects of this section.

4. *Accounts, &c. to be signed, and printed copies distributed.*—Every statement of accounts, balance sheet, and estimate of expenditure, prepared as required by this act, shall be signed by the chairman or deputy chairman of the directors and by the accountant or other officer in charge of the accounts of the company, and shall be preserved at the company's principal office. A printed copy thereof shall be forwarded to the Board of Trade, and at all times after the date at which it is required to be printed be given, on application, to every person who holds any ordinary or preference share or stock in the company, or any mortgage, debenture, or debenture stock of the company ; and every such person may at all reasonable times, without fee or charge, peruse the original in the possession of the company. Any company which acts in contravention of this section shall be liable for each offence to a penalty not exceeding fifty pounds.

5. *Penalty for falsifying accounts, &c.*—If any statement, balance sheet, estimate, or report which is required by this act is false in any particular to the knowledge of any person who signs the same <sup>(1)</sup>, such person shall be liable, on conviction thereof on indictment, to fine and imprisonment, or on summary conviction thereof to a penalty not exceeding fifty pounds.

6. *Examination of affairs by inspectors.*—The Board of Trade may appoint one or more competent inspectors to examine into the affairs of an incorporated company and the condition of its undertaking, or any part thereof, and to report thereon, upon any one of the applications following;<sup>(2)</sup> that is to say,

- (1.) Upon application made in pursuance of a resolution passed at a meeting of directors :
- (2.) Upon application by the holders of not less than two-fifths part of the aggregate amount of the ordinary shares or stock of the company for the time being issued :
- (3.) Upon application by the holders of not less than one-half of the aggregate amount of the mortgages, debentures, and debenture stock (if any) of the company for the time being issued :
- (4.) Upon application by the holders of not less than two-fifths of the aggregate amount of the guaranteed or preference shares or stock of the company for the time being issued, provided that the preference capital issued amounts to not less than one-third of the whole share capital of the company.

7. *Application to be supported by evidence.*—The application shall be made in writing, signed by the applicants, and shall be supported by such evidence as the Board of Trade may require, for the purpose of showing that the applicants have good reason

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<sup>(1)</sup> As originally framed, it was not necessary for a conviction to show that the statement, &c., was false to the knowledge of the person signing it, and he was required to prove his ignorance of its being false. This was thought to be unjust, and the onus of proof has therefore been intentionally thrown on the prosecution. The penalty may summarily be recovered before two justices, and applied according to 8 & 9 Vict. c. 20, ss. 145 to 150: (see *post*, sect. 40.)

<sup>(2)</sup> This and the four following sections are an adaptation to railway companies of sects. 56, 57, 58, 59 and 60, of "The Companies Act, 1862" (25 & 26 Vict. c. 89), giving power to appoint inspectors of affairs of any company under that act.

for requiring such examination to be made; the Board of Trade may also, before appointing any inspector or inspectors, require the applicants to give security for payment of the costs of the inquiry.

8. *Inspection of company's books and property.*—It shall be the duty of the directors, officers, and agents of the company to produce, for the examination of the inspectors, all books and documents relating to the affairs of the company in their custody or power, and to afford to the inspectors all reasonable facilities for the inspection of the property and undertaking of the company. Any inspector may examine upon oath the officers and agents of the company in relation to its business, and may administer such oath accordingly. Any person who, when so examined on oath, makes any false statement, knowing the same to be false, shall be guilty of perjury.

If any director, officer, or agent refuses to produce any book or document hereby directed to be produced, or to afford the facilities for inspection hereby required to be afforded, or if any officer or agent refuses to answer any question relating to the affairs of the company, he shall incur a penalty of five pounds for every day during which the refusal continues.

9. *Result of examination, how dealt with.*—Upon the conclusion of the examination the inspectors shall report their opinion to the Board of Trade and to the company, and the company shall print the same, and deliver a copy thereof to the Board of Trade, and, on application, to any person who holds any ordinary or preference share or stock, or any mortgage, debenture, or debenture stock of the company. All expenses of and incidental to any such examination as aforesaid shall be defrayed by the persons upon whose application the inspectors were appointed, unless the Board of Trade shall direct the same or any portion thereof to be paid by the company, which they are hereby authorised to do.

10. *Power of company to appoint inspectors.*—Any company may, by resolution at an extraordinary meeting, appoint inspectors for the purpose of examining into the affairs of the company and the condition of the company's undertaking. The inspectors so appointed shall have the same powers and perform the same duties as inspectors appointed by the Board of Trade, and shall make their report in such manner and to such persons



as the company in general meeting directs; and the directors, officers, and agents of the company shall incur the same penalties, in case of any refusal to produce any book or document by this act required to be produced to such inspectors, or to afford the facilities for inspection by this act required to be afforded, or to answer any question, as they would have incurred if such inspectors had been appointed by the Board of Trade.

11. *Auditor not necessarily a shareholder.*—Whenever, after the passing of this act, section one hundred and two of “The Companies Clauses Consolidation Act, 1845,” is incorporated in a certificate or special act relating to a railway company, it shall be construed as if the words, “where no qualification shall be prescribed by the special act every auditor shall have at least one share in the undertaking,” were omitted therefrom; and so much of every certificate and special act relating to a railway company, and in force at the passing of this act, as incorporates that portion of the said section, and so much of any special act relating to a railway company, and so in force, as contains a like provision is hereby repealed.

12. *Auditors of company, and appointment of auditor by Board of Trade.*—With respect to the auditors of the company the following provisions shall have effect:

- (1.) The Board of Trade may, upon application made in pursuance of a resolution passed at a meeting of the directors or at a general meeting of the company, appoint an auditor in addition to the auditors of such company, and it shall not be necessary for any such auditor to be a shareholder in the company:
- (2.) The company shall pay to such auditor appointed by the Board of Trade such reasonable remuneration as the Board of Trade may prescribe:
- (3.) The auditor so appointed shall have the same duties and powers as the auditors of the company, and shall report to the company:
- (4.) Where, in consequence of such appointment of an auditor or otherwise, there are three or more auditors, the company may declare a dividend if the majority of such auditors certify in manner required by section thirty of “The Railway Companies Act, 1867,”<sup>(\*)</sup> and

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(\*) 30 & 31 Vict. c. 127: (*see* Pract. Stats. 1867, p. 333.)

"The Railway Companies (Scotland) Act, 1867," respectively :

- (5.) Where there is a difference of opinion among such auditors, the auditor who so differs shall issue to the shareholders, at the cost of the company, such statement respecting the grounds on which he differs from his colleagues, and respecting the financial condition and prospects of the company, as he thinks material for the information of the shareholders.

13. *Issue of preferred and deferred ordinary stock.*—Any company which in the year immediately preceding has paid a dividend on their ordinary stock of not less than three pounds per centum per annum may, pursuant to the resolution of an extraordinary general meeting, divide their paid-up ordinary stock into two classes, to be and to be called the one preferred ordinary stock, and the other deferred ordinary stock, and issue the same subject and according to the following provisions, and with the following consequences ; (that is to say,)

- (1.) Preferred and deferred ordinary stock shall be issued only in substitution for equal amounts of paid-up ordinary stock, and by way of division of portions of ordinary stock into two equal parts :
- (2.) Such division may be made at any time, on the request in writing of the holder of paid-up ordinary stock, but not otherwise ; and such request may apply to the whole of the ordinary stock of such holder, or to any portion thereof divisible into twentieth parts :
- (3.) Preferred ordinary stock and deferred ordinary stock shall not be issued except in sums of ten pounds or multiples of ten pounds :
- (4.) The certificates for any ordinary stock divided into preferred and deferred ordinary stock shall before such division be delivered up to the company, and shall be cancelled by them, and certificates for preferred ordinary stock and deferred ordinary stock shall be issued gratis in exchange by the company :
- (5.) If in any case there is any part of the ordinary stock held by a stockholder comprised in one certificate which he does not desire to be divided, or which is incapable of division, under the provisions of this act, the company

shall issue to him gratis a certificate for that amount as ordinary stock :

- (6.) As between preferred ordinary stock and deferred ordinary stock, preferred ordinary stock shall bear a fixed maximum dividend at the rate of six per centum per annum :
- (7.) In respect of dividend to the extent of the maximum aforesaid, preferred ordinary stock shall at the time of its creation, and at all times afterwards, have priority over deferred ordinary stock created or to be created, and shall rank *pari passu* with the undivided ordinary stock, and the ordinary shares of the company created or to be created; and in respect of dividend, preferred ordinary stock shall at all times and to all intents rank after all preference and guaranteed stock and shares of the company created or to be created :
- (8.) In each year after all holders of preferred ordinary stock for the time being issued have received in full the maximum dividend aforesaid, all holders of deferred ordinary stock for the time being issued shall, in respect of all dividend exceeding that maximum paid by the company in that year on ordinary stock and shares, rank *pari passu* with the holders of undivided ordinary stock and of ordinary shares of the company for the time being issued :
- (9.) If, nevertheless, in any year ending on the thirty-first day of December there are not profits available for payment to all the holders of preferred ordinary stock of the maximum dividend aforesaid, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the company :
- (10.) Preferred ordinary stock and deferred ordinary stock from time to time shall confer such right of voting at meetings of the company, and shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents, as from time to time attach and are incident to undivided ordinary stock of the company :
- (11.) The terms and conditions on which any preferred ordinary stock or deferred ordinary stock is issued shall be stated on the certificate thereof :

- (12.) Preferred ordinary stock and deferred ordinary stock shall respectively be held on the same trusts, and subject to the same charges and liabilities, as those on and subject to which the ordinary stock in substitution for which the same are issued was held immediately before the substitution, and so as to give effect to any testamentary or other disposition of or affecting such ordinary stock.

## II.—*Obligations and Liability of Companies as Carriers.*

14. *Liability of company during sea transit.*—Where a company by through booking contracts to carry any animals, luggage, or goods from place to place partly by railway and partly by sea, or partly by canal and partly by sea, a condition exempting the company from liability for any loss or damage which may arise during the carriage of such animals, luggage, or goods by sea from the act of God, the king's enemies, fire, accidents from machinery, boilers, and steam, and all and every other dangers and accidents of the seas, rivers, and navigation, of whatever nature and kind soever,<sup>(4)</sup> shall, if published in a conspicuous manner in the office where such through booking is effected, and if printed in a legible manner on the receipt or freight note which the company gives for such animals, luggage, or goods, be valid as part of the contract between the consignor of such animals, luggage, or goods, and the company in the same manner as if the company had signed and delivered to the consignor a bill of lading containing such condition. For the purposes of this section the word "company" includes the owners, lessees, or managers of any canal or other inland navigation.

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<sup>(4)</sup> The exempting words in this condition are similar to those describing the excepted perils in most bills of lading. It has been held that they afford no protection where the loss has been caused by the negligence of the ship's master and crew: (*MacLachlan v. The Merchant Shipping*, p. 458; *Buller v. Fisher*, 3 Esp. 67; *Lloyd v. The General Iron Screw Collier Company*, 3 Hurl. & C. 284; *Grill v. The General Iron Screw Collier Company*, 37 L. J. C. P. 205, Ex. Ch.; and *Czech v. The General Steam Navigation Company*, 37 L. J. C. P. 3.) The words "the king's enemies" must be understood at least to include the enemies of the sovereign of the carrier: (*Russell v. Niemen*, 34 L. J. C. P. 10.) Damage done to goods on board a ship by rats is not a damage arising from "dangers and accidents of the seas, rivers, and navigation:" (*Laveroni v. Drury*, 8 Exch. 166; and *Kay v. Wheeler*, 36 L. J. C. P. 180, Ex. Ch.) In that last case the

15. *Fares to be posted in stations.*—On and after the first day of January, one thousand eight hundred and sixty-nine, every company shall cause to be exhibited in a conspicuous place in the booking office of each station on their line a list or lists painted, printed, or written in legible characters, containing the fares of passengers by the trains included in the time tables of the company from that station to every place for which passenger tickets are there issued.

16. *Provision for securing equality of treatment where railway company works steam vessels.*—Where a company is authorised to build, or buy, or hire, and to use, maintain, and work, or to enter into arrangements for using, maintaining, or working, steam vessels for the purpose of carrying on a communication between any towns or ports, and to take tolls in respect of such steam vessels, then and in every such case tolls shall be at all times charged to all persons equally and after the same rate in respect of passengers conveyed in a like vessel passing between the same places under like circumstances; and no reduction or advance in the tolls shall be made in favour of or against any person using the steam vessels in consequence of his having travelled or being about to travel on the whole or any part of the company's railway, or not having travelled or not being about to travel on any part thereof, or in favour of or against any person using the railway in consequence of his having used or being about to use, or his not having used or not being about

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shipowner by the bill of lading undertook to deliver goods "in good order and well conditioned (the act of God, the Queen's enemies, fire, and all and every other dangers and accidents of the seas, rivers, and navigation of whatsoever nature or kind soever excepted);" and the Court of Exchequer Chamber in holding that the shipowner was liable for damage done to the goods on board his ship by rats, based their judgment, it is true, on the fact of his not having fulfilled his contract to deliver in good order, and said that they so decided without reference to *Laveroni v. Drury*, but still it is submitted they must have determined that the case did not fall within any of the excepted perils, otherwise the shipowner would not have been held liable. Notwithstanding a compound contract to carry partly by railway and partly by water, the company will be entitled to the benefit of the Carriers Act (11 Geo. 4, and 1 Will. 4, c. 68), in respect of so much of the contract as shall be performed by the land carriage: (*Le Couteur v. The London and South Western Railway Company*, 35 L. J. Q. B. 40.) See the Carriers Act in note to Railway and Canal Traffic Act (17 & 18 Vict. c. 31), Pract. Stats. 1854, p. 68, note (1).

to use, the steam vessels ; and where an aggregate sum is charged by the company for conveyance of a passenger by a steam vessel and on the railway, the ticket shall have the amount of toll charged for conveyance by the steam vessel distinguished from the amount charged for conveyance on the railway.

The provisions of "The Railway and Canal Traffic Act, 1854,"<sup>(\*)</sup> so far as the same are applicable, shall extend to the steam vessels and to the traffic carried on thereby.

17. *Company bound to furnish particulars of charges for goods.*—Where any charge shall have been made by a company in respect of the conveyance of goods over their railway, on application in writing within one week after payment of the said charge made to the secretary of the company by the person by whom or on whose account the same has been paid, the company shall within fourteen days render an account to the person so applying for the same, distinguishing how much of the said charge is for the conveyance of the said goods on the railway, including therein tolls for the use of the railway, for the use of carriages, and for locomotive power, and how much of such charge is for loading and unloading, covering, collection, delivery, and for other expenses, but without particularising the several items of which the last-mentioned portion of the charge may consist.

18. *Charge when two railways worked by one company.*—Where two railways are worked by one company, then in the calculation of tolls and charges for any distances in respect of traffic (whether passengers, animals, goods, carriages, or vehicles) conveyed on both railways, the distances traversed shall be reckoned continuously on such railways as if they were one railway.

19. *Proceedings in case of non-consumption of smoke.*—Where proceedings are taken against a company using a locomotive steam engine on a railway on account of the same not consuming its own smoke, then if it appears to the justices before whom the complaint is heard that the engine is constructed on the principle of consuming its own smoke, but that it failed to consume its own smoke, as far as practicable, at the time charged in the complaint through the default of the company, or of any servant in the employment of the company, such company shall

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(\*) This is 17 & 18 Vict. c. 31 : (see Pract. Stats. 1854, p. 64.)

be deemed guilty of an offence under "The Railways Clauses Consolidation Act, 1845," section one hundred and fourteen."<sup>(\*)</sup>

20. *Smoking compartments for all classes.*—All railway companies, except the Metropolitan Railway Company, shall, from and after the first day of October next, in every passenger train where there are more carriages than one of each class, provide smoking compartments for each class of passengers, unless exempted by the Board of Trade.

21. *Railway companies to be liable to penalties in case they shall provide trains for prize fights.*—Any railway company that shall knowingly let for hire<sup>(†)</sup> or otherwise provide any special train for the purpose of conveying parties to or to be present at any prize fight, or who shall stop any ordinary train to convenience or accommodate any parties attending a prize fight at any place not an ordinary station on their line, shall be liable to a penalty, to be recovered in a summary way before two justices of the county in which such prize fight shall be held or shall be attempted to be held, of such sum not exceeding five hundred pounds, and not less than two hundred pounds, as such justices shall determine, one-half of such penalty to be paid to the party at whose suit the summons shall be issued, and the other half to be paid to the treasurer of the county in which such prize fight shall be held or shall be attempted to be held in aid of the

(\*) Sect. 114 of "The Railways Clauses Consolidation Act, 1845," enacts that "every locomotive steam engine to be used on the railway, shall, if it use coal or other similar fuel, emitting smoke, be constructed on the principle of consuming, and so as to consume its own smoke; and if any engine be not so constructed, the company or party using such engine shall forfeit 5*l.* for every day during which such engine shall be used on the railway."

(†) It is stated in Com. Dig. tit. "Franchise," F. 14, "that a corporation cannot do a personal act which requires *knowledge*, nor commit treason or felony, nor be excommunicated, for it has no conscience;" but the tendency of modern law is to place trading corporations in the position of individuals when what is done by them is connected with the purposes for which they are incorporated. Such companies have been held liable for publishing a libel: (*Whitfield v. South-Eastern Railway Company*, 1 El. & Bl. 115; also for maliciously driving omnibuses in such a way as to molest a carrier in the use of the highway, *Green v. The London and General Omnibus Company*, 29 L. J. C. P. 13.) The above enactment, making an incorporated company liable for a wrongful act intentionally committed by them, does not go beyond the tenor of the authorities which the class of trading companies has given rise to.

county rate; and service of the summons under which the penalty is sought to be enforced on the secretary of the company at his office ten days before the day of hearing shall be sufficient to give the justices before whom the case shall come jurisdiction to hear and determine the case.

### III.—*Provisions for Safety of Passengers.*

22. *Communication between passengers and the company's servants.*—After the first day of April, one thousand eight hundred and sixty-nine, every company shall provide, and maintain in good working order, in every train worked by it which carries passengers, and travels more than twenty miles without stopping, such efficient means of communication between the passengers and the servants of the company in charge of the train as the Board of Trade may approve. If any company makes default in complying with this section it shall be liable to a penalty not exceeding ten pounds for each case of default. Any passenger who makes use of the said means of communication without reasonable and sufficient cause shall be liable for each offence to a penalty not exceeding five pounds.

23. *Penalty for trespasses on railways.*—If any person shall be or pass upon any railway, except for the purpose of crossing the same at any authorised crossing, after having received warning by the company which works such railway, or by any of their agents or servants, not to go or pass thereon, every person so offending shall forfeit and pay any sum not exceeding forty shillings for every such offence.

24. *Trees dangerous to railways may be removed.*—If any tree standing near to a railway shall be in danger of falling on the railway so as to obstruct the traffic, it shall be lawful for any two justices on the complaint of the company which works such railway to cause such tree to be removed or otherwise dealt with as such justices may order, and the justices making such order may award compensation to be paid by the company making such complaint to the owner of the tree so ordered to be removed or otherwise dealt with as such justices shall think proper, and the amount of such compensation shall be recoverable in like manner as compensation recoverable before justices under "The Railways Clauses Consolidation Act, 1845."



IV.—*Compensation for Accidents.*

25. *Arbitration of damages.*—Where a person has been injured or killed by an accident on a railway, the Board of Trade, upon application in writing made jointly by the company from whom compensation is claimed and the person if he is injured, or his representatives if he is killed, may, if they think fit, appoint an arbitrator, who shall determine the compensation (if any) to be paid by the company.

26. *Examination by medical man.*—Whenever any person injured by an accident on a railway claims compensation on account of the injury, any judge of the court in which proceedings to recover such compensation are taken, or any person who by the consent of the parties or otherwise has power to fix the amount of compensation, may order that the person injured be examined by some duly qualified medical practitioner named in the order, and not being a witness on either side, and may make such order with respect to the costs of such examination as he may think fit.

V.—*Light Railways.*

27. *Order for construction and working of railway as a light railway.*—The Board of Trade may by licence authorise a company applying for it to construct and work or to work as a light railway the whole or any part of a railway which the company has power to construct or work.

Before granting the licence the Board of Trade shall cause due notice of the application to be given, and shall consider all objections and representations received by them, and shall make such inquiry as they think necessary.

28. *Conditions and regulations for light railway.*—A light railway shall be constructed and worked subject to such conditions and regulations as the Board of Trade may from time to time impose or make: Provided, that (1) the regulations respecting the weight of locomotive engines, carriages, and vehicles to be used on such railway shall not authorise a greater weight than eight tons to be brought upon the rails by any one pair of wheels; (2) the regulations respecting the speed of trains shall not authorise a rate of speed exceeding at any time twenty-five miles an hour.

If the company or any person fails to comply with or acts in

contravention of such conditions and regulations, or directs any one so to fail or act, such company and person shall respectively be liable to a penalty for each offence not exceeding twenty pounds, and to a like penalty for every day during which the offence continues; and every such person on conviction on indictment for any offence relating to the weight of engines, carriages, or vehicles, or the speed of trains, shall be also liable to imprisonment, with or without hard labour, for any term not exceeding two years.

29. *Publication of regulations.*—The conditions and regulations of the Board of Trade relating to light railways shall be published and kept published by the company in manner directed with respect to by-laws by section one hundred and ten of “The Railways Clauses Consolidation Act, 1845,”<sup>(8)</sup> and the company shall be liable to a penalty not exceeding five pounds for every day during which such conditions and regulations are not so published.

#### VI.—*Arbitrations by Board of Trade.*

30. *Arbitrator appointed by Board of Trade.*—Whenever the Board of Trade are required to make any award or to decide any difference in any case in which a company is one of the parties, they may appoint an arbitrator to act for them, and his award or decision shall be deemed to be the award or decision of the Board of Trade.

If the arbitrator dies, or in the judgment of the Board of Trade becomes incapable or unfit, the Board of Trade may appoint another arbitrator.

31. *Remuneration of arbitrator.*—The Board of Trade may fix the remuneration of any arbitrator or umpire appointed by them in pursuance of this or any other act in any case where a company is one of the parties, and may, if they think fit, frame a scale of remuneration for arbitrators or umpires so appointed

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<sup>(8)</sup> By that 110th section the by-laws, when confirmed, are “to be painted on boards, or printed on paper and pasted on boards, and hung up and affixed and continued on the front or other conspicuous part of every wharf or station belonging to the company according to the nature or subject-matter of such by-laws respectively, and so as to give public notice thereof to the parties interested therein or affected thereby, and such boards shall from time to time be renewed as often as the by-laws thereon or any part thereof shall be obliterated or destroyed.”

by them, and no arbitrator or umpire so appointed by them shall be entitled to any larger remuneration than the amount fixed by the Board of Trade.

32. *Costs, &c., of arbitrations.*—The provisions of sections eighteen to twenty-nine, both inclusive, of “The Railway Companies Arbitration Act, 1859,”<sup>(\*)</sup> shall, so far as is consistent with the tenor thereof, apply to an arbitrator appointed by the Board of Trade, and to his arbitration and award, notwithstanding that one of the parties between whom he is appointed to arbitrate may not be a railway company; and in construing those sections for the purpose of this act the word “companies” shall be construed to mean the parties to the arbitration.

33. *Costs, charges, &c., to be taxed and settled by masters of the Court of Queen's Bench.*—All disputed questions as to any costs, charges, and expenses of and incident to any arbitration or award made under the provisions of “The Lands Clauses Consolidation Act, 1845,” or of any special act of Parliament incorporating the same, whether the question in dispute arise as to compensation to be made for lands required to be purchased and actually taken by any railway company, or in respect of the injurious affecting of other lands not taken, or otherwise in relation thereto, shall, if either party so requires, be taxed and settled as between the parties by one of the masters of the Court of Queen's Bench; and it shall be lawful for such master to receive and take in respect of each folio in length of every bill of costs so settled a fee of one shilling and no more, and such fee shall be taken money and not in stamps, and may be retained by the said master for his own use and benefit.

#### VII.—*Miscellaneous.*

34. *Printed copies of shareholders' address book.*—Every incorporated company shall print correct copies of the shareholders' address book of the company corrected up to the first day of December in every year, and affix an asterisk against the names of those qualified to act as directors.

After the expiration of one fortnight from the aforesaid date the company shall, on application, supply such printed copies at a price not exceeding five shillings for each copy to every person

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(\*) 22 & 23 Vict. c. 59: (see Pract. Stats. 1859, pp. 184 to 186.)

who holds any ordinary or preference shares or stock in the company, or any mortgage debenture or debenture stock of the company.

Any company which acts in contravention of this section shall be liable for each offence to a penalty not exceeding twenty pounds.

*35. Meeting preliminary to application for act or certificate.—*

When a bill is introduced into either House of Parliament conferring on an incorporated company additional powers, or when an incorporated company applies to the Board of Trade for a certificate conferring on it additional powers, the following provisions shall have effect; namely,

- (1.) Before the bill is read a second time in the House of Parliament into which it is first introduced, or before the application is made to the Board of Trade (as the case may be), the bill or draft certificate (as the case may be) shall be submitted to a meeting of the proprietors of such company at a meeting held specially for that purpose:
- (2.) Such meeting shall be called by advertisement inserted once in each of two consecutive weeks in a morning newspaper published in London, Edinburgh, or Dublin, as the case may be, and in a newspaper of the county or counties in which the principal office or offices of the company is or are situate, and also by a circular addressed to each proprietor at his registered or last known or usual address, and sent by post or delivered at such address not less than ten days before the holding of such meeting, inclosing a blank form of proxy, with proper instructions for the use of the same; and the same form of proxy and the same instructions shall be sent to every such proprietor, and shall be addressed to each proprietor on the back of the form of proxy; but no such form of proxy shall be stamped before it is sent out, nor shall the funds of the company be used for the stamping of any proxies, nor shall any intimation be sent as to any person to whom the proxy may be given or addressed; and no other circular or form of proxy relating to such meeting shall be sent to any proprietor from the office of the company, or by any director or officer of the company so describing himself:

- (3.) Such meeting shall be held on a day not earlier than seven days after the last insertion of such advertisement, and may be held on the same day as an ordinary general meeting of the company :
- (4.) At such meeting the bill or draft certificate shall be submitted to the proprietors, and shall not be proceeded with unless approved of by proprietors present in person or by proxy, holding at least three-fourths of the paid-up capital of the company represented at such meeting, such proprietors being qualified to vote at all ordinary meetings of the company in right of such capital; the votes of proprietors of any paid-up shares or stock, other than debenture stock, not qualified to vote at ordinary meetings, whose interests may be affected by the proposed act or certificate, if tendered at the meeting, shall be recorded separately :
- (5.) There shall be laid before Parliament or the Board of Trade (as the case may require) a statement of the number of votes, if a poll was taken, and the number of votes recorded separately.

36. *Special trains exclusively for Post Office.*—Whenever in pursuance of any notice under the act of the session of the first and second years of the reign of Her present Majesty, chapter ninety-eight, “to provide for the conveyance of mails by railways,” or otherwise, the mails or post letter bags are conveyed and forwarded by a company on their railway by a special train, the Postmaster-General may by the same or any other notice in writing require that the whole of such special train shall be appropriated to the service of the Post Office exclusively of all other traffic except such as he may sanction, and the remuneration to be paid for such service shall be settled as prescribed by the sixth section of that act.

37. *Service of requisitions, &c., by Postmaster-General.*—All requisitions, notices, and documents which relate to a company, if purporting to be signed by the Postmaster-General or some secretary or assistant-secretary to the Post Office, or by some officer appointed for the purpose by the Postmaster-General, shall, until the contrary is proved, be deemed to have been so signed, and to have been given or made by the Postmaster-General, and the provisions of the act of the session of the first

and second years of the reign of Her present Majesty, chapter ninety-eight, "to provide for the conveyance of mails by railways," requiring any notice, requisition, or document to be under the hand of the Postmaster-General, are hereby repealed.

38. *Extension of scope of "Railway Companies Powers Act, 1864."*—"The Railway Companies Powers Act, 1864,"<sup>(10)</sup> shall take effect and apply in the following cases in the same manner as if they were specified in section three of that act; (that is to say,)

Where a company desire to make new provisions, or to alter any of the provisions of their special act, or of "The Companies Clauses Consolidation Act, 1845," so far as it is incorporated therewith, with respect to all or any of the matters following; namely,

- (a.) The general meetings of the company, and the exercise of the right of voting by the shareholders :
- (b.) The appointment, number, and rotation of directors :
- (c.) The powers of directors :
- (d.) The proceedings and liabilities of directors :
- (e.) The appointment and duties of auditors.

39. *Service of requisitions, &c.*—All requisitions, orders, regulations, appointments, certificates, licences, notices, and documents which relate to a company, if purporting to be signed by some secretary or assistant secretary of or by some officer appointed for the purpose by the Board of Trade, shall, until the contrary is proved, be deemed to have been so signed, and to have been given or made by the Board of Trade. They may be served by the Board of Trade on any company in the manner in which notices may be served under "The Companies Clauses Consolidation Act, 1845;" and all notices, returns, and other documents required to be made, delivered, or sent by a company to the Board of Trade shall be left at the office of, or transmitted through the post addressed to, the Board of Trade.

40. *Recovery, &c. of penalties.*—Every penalty imposed by this act shall be recovered and applied in the same manner as penalties imposed by "The Railways Clauses Consolidation Act,

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<sup>(10)</sup> 27 & 28 Vict. c. 120: (see Pract. Stats. 1864, p. 315.)

1845<sup>(1)</sup>), and "The Railways Clauses Consolidation (Scotland) Act, 1845" (as the case may require), are for the time being recoverable and applicable.

(1) The following are the sections of "The Railways Clauses Consolidation Act, 1845" (8 & 9 Vict. c. 20), as to recovery and application of penalties:

Sect. 145. Every penalty or "forfeiture imposed by this or the special act, or by any by-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two justices, and on complaint being made to any justice he shall issue a summons requiring the party complained against to appear before two justices at a time and place to be named in such summons, and every such summons shall be served on the party offending either in person or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for any two justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them; and upon proof of the offence either by the confession of the party complained against or upon the oath of one credible witness or more, it shall be lawful for such justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred as well as such costs attending the conviction as such justices shall think fit."

Sect. 146. "If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture and of such costs as aforesaid be not paid, the amount of such penalty and costs shall be levied by distress, and such justices or either of them shall issue their or his warrant of distress accordingly."

Sect. 147. "It shall be lawful for any such justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture and costs, unless the offender give sufficient security by way of recognisance or otherwise to the satisfaction of the justice for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such security, but if before issuing such warrant of distress it shall appear to the justice by the admission of the offender or otherwise that no sufficient distress can be had within the jurisdiction of such justice whereon to levy such penalty or forfeiture and costs, he may if he thinks fit refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the justice, then such justice shall by warrant cause such offender to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such penalty or forfeiture and costs be sooner paid and satisfied."

Sect. 148. "Where in this or the special act or any act incorporated therewith any sum of money whether in the nature of penalty or otherwise is directed to be levied by distress, such sum

41. *Company may apply to common law judge at Westminster to hear cases of compensation under 8 & 9 Vict. c. 18.*—Whenever in the case of any lands purchased or taken <sup>(12)</sup> otherwise than by agreement for the purposes of any public railway, any question of compensation in respect thereof, or any question of compensation in respect of lands injuriously affected by the execution of the works of any public railway <sup>(13)</sup>, is under the

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of money shall be levied by distress, and sale of the goods and chattels of the party liable to pay the same; and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained."

Sect. 149. "No distress levied by virtue of this or the special act, or any act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case."

Sect. 150. "The justices by whom any such penalty of forfeiture shall be imposed, may, where the application thereof is not otherwise provided for, award not more than one-half thereof to the informer, and shall award the remainder to the overseers of the poor of the parish in which the offence shall have been committed, to be applied in aid of the poor's-rate of such parish, or if the place wherein the offence shall have been committed shall be extra-parochial, then such justices shall direct such remainder to be applied in aid of the poor's-rate of such extra-parochial place, or if there shall not be any poor's-rate therein, in aid of the poor's-rate of any adjoining parish or district."

<sup>(12)</sup> It may be open to doubt whether this section applies to the case where the company have under sect. 18 of "The Lands Clauses Act" (8 & 9 Vict. c. 18), given notice of their requiring to purchase or take any lands commonly called a notice to treat. The expression in that section is "to purchase," and the expression "purchased" does not occur anywhere amongst the clauses relating to the purchase and taking of lands otherwise than by agreement. The 68th section deals with the case of lands already taken, and it may be that this 41st section is limited to cases within that 68th section; but if so, that would be giving no meaning whatever to the word "purchased."

<sup>(13)</sup> The expression "lands injuriously affected by the execution of the works," is to have the same meaning which has been assigned to it by "The Lands Clauses Consolidation Act, 1845:" (see *post*, sect. 44.) The expression is the same as used in sect. 68 of "The Lands Clauses Consolidation Act, 1845," and the meaning of that with reference to what is the injuriously affecting in respect of which a party is entitled to compensation, has been the subject



provisions of "The Lands Clauses Consolidation Act, 1845," to be settled by the verdict of a jury empanelled and summoned as in that act mentioned, the company or the party entitled to the compensation may, at any time before the issuing by the company to the sheriff as by that act directed<sup>(14)</sup>, apply to a judge of any one of the Superior Courts of common law at Westminster, who shall, if he think fit, make an order for trial of the question in

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of much discussion. In the recent case in the House of Lords of *Ricket v. The Metropolitan Railway Company* (36 L. J. Q. B. 205; S.C. 2 Law Rep. H. L. 145), Lord Chelmsford, L.C., adopted what was stated by Lord Campbell in *Re Penny v. South Eastern Railway* (7 El. & Bl. 660), that "unless the particular injury would have been actionable before the company had acquired their statutory powers it is not an injury for which compensation can be claimed;" and Lord Cranworth there said, "both principle and authority seem to me to show that no case comes within the provision of the statute unless when some damage has been occasioned to the land itself in respect of which, but for the statute, the complaining party might have maintained an action." But Lord Westbury expressly dissented from this, saying that "when, therefore, the general railway acts use the term 'injuriously affected,' the word 'injuriously' does not mean 'wrongfully' or 'unlawfully,' nor does it imply that compensation is limited to cases where the act done is such as, but for the powers given, would be a tort at common law. The words mean 'damnously affected' only, and the consequential right to compensation is the creation of the statutes." The decision of the House of Lords in that case was that loss of trade occasioned by the temporary obstruction of a highway during the execution of the works of a railway company, was not an injuriously affecting of the tradesman's interest in his premises which entitled him to compensation under the 68th clause of "The Lands Clauses Consolidation Act." As said by Bovill, C.J., in *Beckett v. The Midland Railway Company* (37 L. J. C. P. 11), "there must, according to the decision of the House of Lords in *Ricket's case*, be an injury to the estate, as distinguished from the mere temporary inconvenience to a particular trade during the temporary obstruction." That last case of *Beckett v. The Midland Railway Company* shows that where the effect of narrowing a road by an embankment erected thereon by the railway company was to reduce the value of a house, in front of which it had been erected, from a second to a third class residence, the owner of the house was entitled to compensation in respect of his house being injuriously affected, as in that case there was a permanent injury to the house, irrespectively of any trade carried on there, or other particular use to which it might be put.

<sup>(14)</sup> The time is after the expiration of a ten days' notice (8 Vict. c. 18, s. 38), where the notice to treat has been given by the company, but where a party has under sect. 68 of 8 Vict. c. 18, claimed compensation in respect of his lands having been taken or injuriously affected, and has given notice of his desire to have such compensation settled by a jury, the warrant is to be issued by the company within twenty-one days after the receipt of such notice.

one of the Superior Courts upon such terms and in such manner as to him shall seem fit; and the question between the parties shall be stated in an issue to be settled in case of difference by the judge, or as he shall direct, and such issue may be entered for trial and tried accordingly in the same manner as any issue joined in an ordinary action at such place as the judge shall direct; and the proceedings in respect of such issue shall be under and subject to the control and jurisdiction of the court as in ordinary actions therein, but so nevertheless that the jury shall, where the issue relates to the value of lands to be purchased, and also to compensation claimed for injury done or to be done to lands held therewith, deliver their verdict separately in manner provided by the forty-ninth section of "The Lands Clauses Consolidation Act, 1845." (15)

42. *Company may obtain judge's order instead of issuing warrant.*—Whenever a company is called upon or liable under the provisions of "The Lands Clauses Consolidation Act, 1845," to issue their warrant to the sheriff in the case of any disputed compensation, and the company shall obtain a judge's order as in the last preceding section mentioned, the obtaining of such an order and notice thereof to the opposite party shall be a satisfaction of the company's duty in respect of the issue of the warrant.

43. *Power of verdict of jury and judgment of the court.*—The verdict of the jury and judgment of the court upon any issue authorised by this act shall, as regards costs and every other matter incident to or consequent thereon, have the same operation and be entitled to the same effect as if that verdict and

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(15) Sect. 49 of "The Lands Clauses Consolidation Act, 1845," states that "where such inquiry shall relate to the value of lands to be purchased, and also to compensation claimed for injury done or to be done to the lands held therewith, the jury shall deliver their verdict separately for the sum of money to be paid for the purchase of the lands required for the works, or of any interest therein belonging to the party;" "or which he is enabled to sell or convey, and for the sum of money to be paid by way of compensation for the damage, if any to be sustained by the owner of the lands by reason of the severing of the land taken from the other lands of such owner, or otherwise injuriously affecting such lands by the exercise of the powers of this or the special act." This has been held to be merely a directory provision, and not in the nature of a condition: (*Corrigal v. The London and Blackwall Railway Company*, 5 Man. & G. 219.)

judgment had been the verdict of a jury and judgment of a sheriff upon an inquiry conducted upon a warrant to the sheriff issued by the company under "The Lands Clauses Consolidation Act, 1845."<sup>(16)</sup>

44. *Interpretation of certain expressions.*—In so far as any expression used in any of the three preceding sections of this act has any special meaning assigned to it by "The Lands Clauses Consolidation Act, 1845," each such expression shall in this act have the meaning so assigned to it.

45. *Fees to masters for determining questions of disputed compensation.*—Wherever under the provisions of "The Lands Clauses Consolidation Act, 1845" (<sup>17</sup>), or of any act incorporating, altering, or amending the same, the costs of any proceedings for determining a question of disputed compensation are settled by one of the masters of the Court of Queen's Bench in England or Ireland, it shall be lawful for such masters to receive and take in respect of each folio in length of every bill of costs so settled a fee of one shilling and no more; and such fee shall be taken in money and not in stamps, and may be retained by the said masters for their own use and benefit.

46. *Extension of time.*—Where notice in writing of a proposed application under "The Railways (Extension of Time) Act, 1868," for extension of the time limited for any of the purposes mentioned in that act, is received by the Board of Trade before the expiration of such time, or if the time has expired during the present session of Parliament before the first day of September, one thousand eight hundred and sixty-eight, and the application is duly made within the period prescribed by the said act, then a warrant of the Board of Trade extending the time, although issued after the expiration thereof, shall have effect

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<sup>(16)</sup> The finding of a sheriff's jury under "The Lands Clauses Consolidation Act, 1845," is not conclusive, and in an action on such verdict and judgment thereon to recover the damages awarded, it has been held that the company may plead that the lands and the plaintiff's interest therein were not damaged and injuriously affected, and may show that the subject matter of the claim is not within the 68th section: (*Chapman v. The Monmouthshire Railway and Canal Company*, 2 Hurl. & N. 277; and *Read v. The Victoria Station and Fimlico Railway Company*, 32 L. J. Ex. 167.)

<sup>(17)</sup> The costs of the inquiry are, by sect. 52 of 8 Vict. c. 18, to be settled in case of difference by one of the masters of the Court of Queen's Bench.

from the date of such expiration as if it had been previously issued.

47. *As to repeal of enactments in second schedule.*—The enactments described in the second schedule to this act are hereby repealed.

But this repeal shall not affect—

- (1.) The validity or invalidity of anything duly done or suffered under any enactment repealed by this section :
- (2.) Any right acquired or accrued or liability incurred, or any remedy in respect thereof.

## SCHEDULES.

## FIRST SCHEDULE.

FORMS OF ACCOUNT REFERRED TO IN SECT. 3 OF THIS ACT.

Railway Half Year ending 18

[No. 1.] STATEMENT OF CAPITAL AUTHORISED, AND CREATED BY THE COMPANY.

ACTS OF PARLIAMENT, or Certificates of the Board of Trade.	CAPITAL AUTHORISED.			CAPITAL CREATED OR SANCTIONED.			BALANCE.		
	Stock and Shares.	Loans.	Total.	Stock and Shares.	Loans.	Total.	Stock and Shares.	Loans.	Total.
	£	£	£	£		£	£	£	£
1. [Except where Capital Powers are 2. comprised in a Consolidation 3. Act, each Act or Certificate autho- 4. rising Capital to be stated here 5. separately in order of Date.] &c.									
Total.....									

[No. 2.] STATEMENT OF STOCK AND SHARE CAPITAL CREATED, SHOWING THE PROPORTION RECEIVED.

DESCRIPTION.	Amount created.	Amount received.	Calls in arrear.	Amount uncalled.	Amount unissued.
	£	£	£	£	£
[State each Class of Stock or Shares in order of Date of Creation, showing the Pre- mium or Discount, if any, at which it was issued, the Preferential or fixed Divi- dends, if any, to which it is entitled, and any other Conditions attached to it.]					
Total.....					

## CAPITAL RAISED BY LOANS AND DEBENTURE STOCK.

[No. 3.]

	RAISED BY LOANS.								RAISED BY ISSUE OF DEBENTURE STOCK.			Total raised by Loans and by Debenture Stocks.
	At per Cent.	£	At per Cent.	£	At per Cent.	£	At per Cent.	£	At per Cent.	£	Total Debenture Stocks.	
	At per Cent.	£	At per Cent.	£	At per Cent.	£	At per Cent.	£	At per Cent.	£	Total Debenture Stocks.	£ s d
Existing at												
Ditto at												
Increase .....												
Decrease .....												
Total Amount authorised to be raised by Loans and by Debenture Stocks in respect of Capital created as per Statement No. 1. ....												
Total Amount raised by Loans and by Debenture Stock as above .....												
Balance being available Borrowing Powers at											186	.....

[No. 4.] Dr.	RECEIPTS AND EXPENDITURE ON CAPITAL ACCOUNT.				Cr.	
	Amount Expended to	Amount Expended during Half Year	Total	By Receipts— Shares and Stock, per Account No. 2 ..... Loans, per Account No. 3 ..... Debenture Stock, per Account No. 3 ..... Sundries (in detail) ...	Amount Received to	Amount Received during Half Year, Total.
To Expenditure—	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.
On Lines open for Traffic (No. 5) .....						
On Lines in Course of Construction (No. 5)						
Working Stock (No. 5)						
Subscriptions to other Railways (No. 5) ...						
Docks, Steamboats, and other special Items (No. 5) .....						
, Balance .....						





[No. 7.] **ESTIMATE OF FURTHER EXPENDITURE ON CAPITAL  
ACCOUNT.**

	FURTHER EXPENDITURE		
	During the Half Year ending .	In subse- quent Half Years.	Total.
Lines open for Traffic ..... (Particulars, showing principal Items.)			
Lines in course of Construction ..... (Details of each Line.)			
Working Stock ..... (Particulars.)			
Subscription to other Railways ..... (Specifying Lines.)			
Docks, Steamboats, and other special Items ..... (Particulars.)			
Works not yet commenced and in abeyance (in detail).....			
Other items (in detail).....			
Total estimated further expenditure of capital .....			

[No. 8.] **CAPITAL POWERS AND OTHER ASSETS AVAILABLE TO  
MEET FURTHER EXPENDITURE, AS PER No. 7.**

Share and Loan Capital authorised or created but not yet received.....		
Any other Assets (in detail).....		
Total.....		

[No. 9.] Dr.		REVENUE ACCOUNT.		Cr.	
Half Year ended	<i>Expenditure.</i>	£ s. d.	Half Year ended	Receipts.	£ s. d.
	To Maintenance of Way, Works, and Stations ... } see Abstract A.			By Passengers ...	
	" Locomotive Power ... do. B.			" Parcels, Horses, Carriages, &c. ...	
	" Carriage and Waggon Repairs } do. C.			" Mails ...	
	" Traffic Expenses ... do. D.			" Merchandise ...	
	" General Charges ... do. E.			" Live Stock ...	
	" Law Charges ...			" Minerals ...	
	" Parliamentary Charges ...			" Special and Miscellaneous Receipts—	
	" Compensation (Accidents and Losses) ...			Such as Navigations, Steamboats, Rents, Transfer, Fees, &c.	
	" Rates and Taxes ...			Details.	
	" Government Duty ...				
	" Special and Miscellaneous Expenses (if any) ...				
	" Balance carried to Net Revenue Account ...				
					£

Cr.

## NET REVENUE ACCOUNT.

[No. 10.] Dr.

Half Year ended	£ s. d.	Half Year ended	£ s. d.
To Interest on Mortgage and Debenture Loans ... ..	...	By Balance brought from last Half Year's Account ... ..	...
" Interest on Debenture Stock ... ..	...	" Ditto Revenue Account, No. 9. ...	...
" Interest on Calls in Advance ... ..	...	" Dividends on Shares in other Companies ... ..	...
" Interest on Temporary Loans ... ..	...	" Bankers and General Interest Account (if in Credit) ... ..	...
" Interest on Lloyd's Bonds ... ..	...	" Special and Miscellaneous Receipts (if any) ... ..	...
" Interest on Banking Balances ... ..	...	(Detail to be given.)	...
" General Interest Account (if in Debit) ... ..	...		...
" Rents of Leased Lines, Guarantees, &c. ... ..	...		...
" Details ... ..	...		...
" Special and Miscellaneous Payments (if any) ... ..	...		...
Details.	...		...
" Balance, being Payment available for Dividend ... ..	...		...
	£		£

[See No. 13.]

## [No. 11.] PROPOSED APPROPRIATION OF BALANCE AVAILABLE FOR DIVIDEND.

Half Year ended	Balance available for Dividend, as per Account No. 10 ... .. £
	Preference Stock { to be stated in order of Creation, with rate of dividend. } £
	Ditto
	Ditto
	Ordinary Stock, being at the rate of per cent. ... .. £
	Balance to next Half Year ... .. £

## [No. 12.]

## ABSTRACTS.

## A.

*Maintenance of Way, Works, &c.*

Half Year ended		£ s d	£ s d
	Salaries, Office Expenses, and General Superintendence ...		
	Maintenance and Renewal of Permanent Way ... ..		
	Wages ... ..		
	Materials ... ..		
	Repairs of Roads, Bridges, Signals, and Works... ..		
	Repairs of Stations and Buildings...		
	Special Expenditure (if any) ...		
	MILES MAINTAINED ... ..		
	Double ... ..		
	Single ... ..		
	Total ... ..		
	Total ... ..		

## B.

*Locomotive Power.*

Half Year ended		£ s d	£ s d
	Salaries, Office Expenses, and General Superintendence... ..		
	RUNNING EXPENSES:		
	Wages connected with the working of Locomotive Engines ...		
	Coal and Coke ... ..		
	Water ... ..		
	Oil, Tallow, and other Stores ...		
	REPAIRS AND RENEWALS:		
	Wages ... ..		
	Materials ... ..		
	Special Expenditure... ..		
	£		

C. *Repairs and Renewals of Carriages and Waggon.*

Half Year ended		£ s. d.	£ s. d.
	<b>CARRIAGES:</b>		
	Salaries, Office Expenses, and General Superintendence ...		
	Wages ... ..		
	Materials ... ..		
	<b>WAGGONS:</b>		
	Salaries, Office Expenses, and General Superintendence ...		
	Wages ... ..		
	Materials ... ..		
	<b>Total</b> ... ..		

D. *Traffic Expenses.*

Half Year ended		£ s. d.
	Salaries and Wages, &c. ... ..	
	Fuel, Lighting, Water and General Stores ...	
	Clothing ... ..	
	Printing, Stationery, and Tickets ... ..	
	Horses, Harness, Vans, Provender, &c. ...	
	Waggon Covers, Ropes, &c. ... ..	
	Joint Station Expenses... ..	
	Miscellaneous Expenses... ..	
	Special Expenditure (if any) ... ..	

E. *General Charges.*

Half Year ended		£ s. d.
	Directors ... ..	
	Auditors and Public Accountants (if any) ...	
	Salaries of Secretary, General Manager, Accountant, and Clerks ... ..	
	Office Expenses ... ..	
	Advertising ... ..	
	Fire Insurance ... ..	
	Electric Telegraph Expenses ... ..	
	Railway Clearing House Expenses ... ..	
	Special Expenditure (if any) ... ..	

## GENERAL BALANCE SHEET.

[No. 18.] Dr.

Cr.

	£	s.	d.
To Capital Account, Balance at Credit thereof, as per Account, No. 4 .....			
" Net Revenue Account, Balance at Credit thereof, as per Account No. 10 .....			
" Unpaid Dividends and Interest .....			
" Guaranteed Dividends and Interest payable or accruing and provided for .....			
" Temporary Loans .....			
" Lloyd's Bonds and other obligations not included in Loan Capital Statement, No. 3 .....			
" Balance due to Bankers .....			
" Debts due to other Companies .....			
" Amount due to Clearing House .....			
" Sundry Outstanding Accounts .....			
" Fire Insurance Fund on Stations, Works, and Buildings .....			
" Insurance Fund on Steamboats .....			
" Special Items .....			£
By Cash at Bankers—Current Account .....			
" Cash on Deposit at Interest .....			
" Cash invested in Consols and Government Securities .....			
" Cash invested in Shares of other Railway Companies not charged as Capital Expenditure .....			
" General Stores—Stock of Materials on hand .....			
" Traffic Accounts due to the Company ..			
" Amounts due by other Companies .....			
" Do. do. Clearing House .....			
" Do. do. Post Office .....			
" Sundry Outstanding Accounts .....			
" Suspense Accounts (if any) to be enumerated .....			
" Special Items .....			£

[No. 14.]

## MILEAGE STATEMENT.

Half Year ended			Miles authorised.	Miles constructed.	Miles constructing or to be constructed.	Miles worked by Engines.
	Lines owned by Company ... ..	...				
	Do. partly owned ... ..	...				
	Do. leased or rented... ..	...				
	Total ... ..	...				
	Do. worked ... ..	...				
	Foreign Lines worked over ... ..	...				
	Total ... ..	...				

[No. 15.]

## STATEMENT OF TRAIN MILEAGE.

Half Year ended			
	Passenger Trains ... ..	...	...
	Goods and Mineral Trains ... ..	...	...
	Total ... ..	...	...

(Signed) \_\_\_\_\_ { Chairman or Deputy Chairman  
of Company.  
\_\_\_\_\_  
Secretary or Accountant  
of Company.

## CERTIFICATE RESPECTING THE PERMANENT WAY, &amp;c.

I hereby certify that the whole of the Company's Permanent Way, Stations, Buildings, Canals, and other Works have during the past Half Year been maintained in good working condition and repair.

Date \_\_\_\_\_ 18 . Engineer.

## CERTIFICATE RESPECTING THE ROLLING STOCK.

I hereby certify that the whole of the Company's Plant, Engines, Tenders, Carriages, Waggons, Machinery, and Tools, also the Marine Engines of the Steam Vessels, have during the past Half Year been maintained in good working order and repair.

Chief Engineer or  
Locomotive Superintendent.

Date \_\_\_\_\_ 18 .

## AUDITOR'S CERTIFICATE.

As prescribed by Act 30 & 31 Victoria, cap. 37, to follow.

## SECOND SCHEDULE.

Date and Chapter of Act.	Title of Act.
3 & 4 Vict. c. 97 (in part).	An Act for regulating rail- ways ... } in part; namely,— Sect. 20.
5 & 6 Vict. c. 55 (in part).	An Act for the better regu- lation of railways, and for the conveyance of troops } in part; namely,— Sect. 19.
7 & 8 Vict. c. 85 (in part).	An Act to attach certain conditions to the con- struction of future rail- ways authorised or to be authorised by any act of the present or succeeding sessions of Parliament, and for other purposes in relation to railways ... } in part; namely,— Sect. 23.

## 31 &amp; 32 VICT. CAP. 120.

*An Act to relieve the Consolidated Fund from the Charge of the Salaries of future Bishops, Archdeacons, Ministers, and other Persons in the West Indies.*—[31st July, 1868.]

## PHARMACY AMENDMENT ACT.

## 31 &amp; 32 VICT. CAP. 121.

Sect.

## SUMMARY.

Preamble—15 & 16 Vict. c. 56.

1. Persons selling or compounding poisons, or assuming the title of chemist and druggist, to be qualified.
2. Articles named in Schedule (A.) to be deemed poisons within the meaning of this act.
3. Chemists and druggists within meaning of this act.
4. Apprentices and assistants to be registered.
5. Registration of chemists and druggists.
6. Examiners under Pharmacy Act to be the examiners under this act—Certificate of competent skill, &c.
7. Application of fees to purpose of Pharmaceutical Society.



8. Registrar under Pharmacy Act to be so under this act.
9. Council of Pharmaceutical Society to make orders for regulating register to be kept.
10. Duty of registrar to make and keep register.
11. Notice of death of pharmaceutical chemist or chemist and druggist to be given by registrars.
12. Evidence of qualification to be given before registration.
13. Annual register to be published and be evidence.
14. Penalty on wilful falsification of register, or for obtaining registration by false representation.
15. Protection of titles, and restrictions on sale of poisons.
16. Reserving rights of certain persons.
17. Regulations to be observed in the sale of poisons.
18. Chemists and druggists in business prior to passing of act eligible for election as members of Pharmaceutical Society.
19. Council of Pharmaceutical Society.
20. Chemists and druggists registered eligible to be elected associates, and, being in business, have the privilege of voting in the society, on paying the same subscriptions as members.
21. Voting papers for election of council.
22. Benevolent fund may be applied to past members and associates, also to pharmaceutical chemists and registered chemists and druggists.
23. Registration under "Medical Act."
24. Adulteration of Food or Drink Act to extend to medicines.
25. Acts of Privy Council.
26. Power to Privy Council to erase names of persons from register.
27. Extent of act.
28. Short title.  
Schedules.

#### THE STATUTE.

*An Act to regulate the Sale of Poisons, and alter and amend  
"The Pharmacy Act, 1852."*—[31st July, 1868.]

15 & 16 Vict. c. 56.—Whereas it is expedient for the safety of the public that persons keeping open shop for the retailing, dispensing, or compounding of poisons, and persons known as chemists and druggists, should possess a competent practical knowledge of their business, and to that end that from and after the day herein named all persons not already engaged in such business should, before commencing such business, be duly examined as to their practical knowledge, and that a register should be kept as herein provided, and also that the act passed in the fifteenth and sixteenth years of the reign of

Her present Majesty, intituled "An Act for regulating the Qualification of Pharmaceutical Chemists," hereinafter described as the Pharmacy Act, should be amended: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Sect. 1. Persons selling or compounding poisons, or assuming the title of chemists and druggists, to be qualified.*—From and after the thirty-first day of December, one thousand eight hundred and sixty-eight, it shall be unlawful for any person to sell or keep open shop for retailing, dispensing, or compounding poisons, or to assume or use the title "chemist and druggist," or chemist or druggist, or pharmacist, or dispensing chemist or druggist, in any part of Great Britain, unless such person shall be a pharmaceutical chemist, or a chemist and druggist within the meaning of this act, and be registered under this act, and conform to such regulations as to the keeping, dispensing, and selling of such poisons as may from time to time be prescribed by the Pharmaceutical Society with the consent of the Privy Council.

*2. Articles named in Schedule (A.) to be deemed poisons within the meaning of this act.*—The several articles named or described in the Schedule (A.) shall be deemed to be poisons within the meaning of this act, and the council of the Pharmaceutical Society of Great Britain (hereinafter referred to as the Pharmaceutical Society) may from time to time, by resolution, declare that any article in such resolution named ought to be deemed a poison within the meaning of this act; and thereupon the said society shall submit the same for the approval of the Privy Council, and if such approval shall be given, then such resolution and approval shall be advertised in the *London Gazette*, and on the expiration of one month from such advertisement the article named in such resolution shall be deemed to be a poison within the meaning of this act.

*3. Chemists and druggists within meaning of this act.*—Chemists and druggists within the meaning of this act shall consist of all persons who at any time before the passing of this act have carried on in Great Britain the business of a chemist and druggist, in the keeping of open shop for the compounding of the prescriptions of duly qualified medical practitioners, also of all

assistants and associates who before the passing of this act shall have been duly registered under or according to the provisions of the Pharmacy Act, and also of all such persons as may be duly registered under this act.

4. *Apprentices and assistants to be registered.*—Any person who at the time of the passing of this act shall be of full age, and shall produce to the registrar, on or before the thirty-first day of December, one thousand eight hundred and sixty-eight, certificates according to Schedule (E.) to this act that he had been for a period of not less than three years actually engaged and employed in the dispensing and compounding of prescriptions as an assistant to a pharmaceutical chemist, or to a chemist and druggist as defined by clause three of this act, shall, on passing such a modified examination as the council of the Pharmaceutical Society with the consent of the Privy Council may declare to be sufficient evidence of his skill and competency to conduct the business of a chemist and druggist, be registered as a chemist and druggist under this act.

5. *Registration of chemists and druggists.*—The persons who at the time of the passing of this act shall have been duly admitted pharmaceutical chemists, or shall be chemists and druggists within the meaning of the act, shall be entitled to be registered under the act without paying any fee for such registration: Provided, however, as regards any such chemist and druggist, that his claim to be registered must be by notice in writing, signed by him, and given to the registrar, with certificates according to the Schedules (C.) and (D.) to this act; and provided also, that for any such registration of a chemist and druggist, unless it be duly claimed by him on or before the thirty-first day of December, one thousand eight hundred and sixty-eight, the persons registered shall pay the same fee as persons admitted to the register after examination under this act.

6. *Examiners under Pharmacy Act to be the examiners under this act—Certificate of competent skill, &c.*—All such persons as shall from time to time have been appointed to conduct examinations under the Pharmacy Act (1) shall be and are hereby declared to be examiners for the purposes of this act, and are hereby empowered and required to examine all such persons as shall

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(1) 15 & 16 Vict. c. 56.

tender themselves for examination under the provisions of this act; and every person who shall have been examined by such examiners, and shall have obtained from them a certificate of competent skill and knowledge and qualification, shall be entitled to be registered as a chemist and druggist under this act; and the examination aforesaid shall be such as is provided under the Pharmacy Act for the purposes of a qualification to be registered as assistant under that act, or as the same may be varied from time to time by any by-law to be made in accordance with the Pharmacy Act as amended by this act; provided that no person shall conduct any examination for the purposes of this act until his appointment has been approved by the Privy Council; and such appointment and approval shall not in any case be in force for more than five years; moreover it shall be the duty of the said Pharmaceutical Society to allow any officer appointed by the said Privy Council to be present during the progress of any examination held for the purposes of this act.

7. *Application of fees to purpose of Pharmaceutical Society.*—Upon every such examination and registration as aforesaid such fees shall be payable as shall from time to time be fixed and determined by any by-law to be made in accordance with the Pharmacy Act as amended by this act, and shall be paid to the treasurer of the said society for the purposes of the said society.

8. *Registrar under Pharmacy Act to be so under this act.*—The registrar appointed or to be appointed under or by virtue of the Pharmacy Act shall be registrar for the purposes of this act.

9. *Council of Pharmaceutical Society to make orders for regulating register to be kept.*—The council of the Pharmaceutical Society shall, with all convenient speed after the passing of this act, and from time to time as occasion may require, make orders or regulations for regulating the register to be kept under this act as nearly as conveniently may be in accordance with the form set forth in the Schedule (B.) to this act or to the like effect, and such register shall be called the register of chemists and druggists.

10. *Duty of registrar to make and keep register.*—It shall be the duty of the registrar to make and keep a correct register, in accordance with the provisions of this act, of all persons who shall be entitled to be registered under this act, and to erase the names of all registered persons who shall have died, and from time

to time to make the necessary alterations in the addresses of the persons registered under this act: to enable the registrar duly to fulfil the duties imposed upon him, it shall be lawful for the registrar to write a letter to any registered person, addressed to him according to his address on the register, to inquire whether he has ceased to carry on business or has changed his residence, such letter to be forwarded by post as a registered letter, according to the Post Office regulations for the time being, and if no answer shall be returned to such letter within the period of six months from the sending of the letter, a second, of similar purport, shall be sent in like manner, and if no answer be given thereto within three months from the date thereof it shall be lawful to erase the name of such person from the register: Provided always, that the same may be restored by direction of the council of the Pharmaceutical Society should they think fit to make an order to that effect.

11. *Notice of death of pharmaceutical chemist or chemist and druggist to be given by registrars.*—Every registrar of deaths in Great Britain, on receiving notice of the death of any pharmaceutical chemist, or chemist and druggist, shall forthwith transmit by post to the registrar under the Pharmacy Act a certificate under his own hand of such death, with the particulars of the time and place of death, and on the receipt of such certificate the said registrar under the Pharmacy Act shall erase the name of such deceased pharmaceutical chemist, or chemist and druggist, from the register, and shall transmit to the said registrar of deaths the cost of such certificate and transmission, and may charge the cost thereof as an expense of his office.

12. *Evidence of qualification to be given before registration.*—No name shall be entered in the register, except of persons authorised by this act to be registered, nor unless the registrar be satisfied by the proper evidence that the person claiming is entitled to be registered; and any appeal from the decision of the registrar may be decided by the council of the Pharmaceutical Society; and any entry which shall be proved to the satisfaction of such council to have been fraudulently or incorrectly made may be erased from or amended in the register by order in writing of such council.

13. *Annual register to be published and be evidence.*—The registrar shall, in the month of January in every year, cause to

be printed, published, and sold a correct register of the names of all pharmaceutical chemists, and a correct register of all persons registered as chemists and druggists, and in such registers respectively the names shall be in alphabetical order according to the surnames, with the respective residences, in the form set forth in Schedule (B.) to this act, or to the like effect, of all persons appearing on the register of pharmaceutical chemists, and on the register of chemists and druggists, on the thirty-first day of December last preceding, and such printed registers shall be called "The Registers of Pharmaceutical Chemists and Chemists and Druggists," and a printed copy of such registers for the time being,<sup>(\*)</sup> purporting to be so printed and published as aforesaid, or any certificate under the hand of the said registrar, and countersigned by the president or two members of the council of the Pharmaceutical Society, shall be evidence in all courts, and before all justices of the peace and others, that the persons therein specified are registered according to the provisions of the Pharmacy Act or of this act, as the case may be, and the absence of the name of any person from such printed register shall be evidence, until the contrary shall be made to appear, that such person is not registered according to the provisions of the Pharmacy Act or of this act.

14. *Penalty on wilful falsification of register, or for obtaining registration by false representation.*—Any registrar who shall wilfully make or cause to be made any falsification in any matter relating to the said registers, and any person who shall wilfully procure or attempt to procure himself to be registered under the Pharmacy Act or under this act, by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding or assisting him therein, shall be deemed guilty of a misdemeanor in England, and in Scotland of a crime or offence punishable by fine or imprisonment, and shall on conviction thereof be sentenced to imprisonment for any term not exceeding twelve months.

15. *Protection of titles, and restrictions on sale of poisons.*—From and after the thirty-first day of December, one thousand eight hundred and sixty-eight, any person who shall sell or keep

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(\*) See *post* note (\*).

an open shop for the retailing, dispensing, or compounding, poisons, or who shall take, use, or exhibit the name or title of chemist and druggist, or chemist or druggist, not being a duly registered pharmaceutical chemist, or chemist and druggist<sup>(3)</sup> or who shall take, use, or exhibit the name or title pharmaceutical chemist, pharmacist, or pharmacist, not being a pharmaceutical chemist, or shall fail to conform with any regulation as to the keeping or selling of poisons made in pursuance of this act, or who shall compound any medicines of the British Pharmacopeia except according to the formularies of the said Pharmacopeia, shall for every such offence be liable to pay a penalty or sum of five pounds, and the same may be sued for, recovered, and dealt with in the manner provided by the Pharmacy Act for the recovery of penalties under that act; but nothing in this act contained shall prevent any person from being liable to any other penalty, damages, or punishment to which he would have been subject if this act had not passed.

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(3) The absence of the person's name from the register which the registrar is, by sect. 13, to annually publish, is by that section made *prima facie* evidence of such person not being registered under this or the Pharmacy Act (15 & 16 Vict. c. 56). This 15th section differs materially from sect. 40 of the Medical Act (21 & 22 Vict. c. 90), which imposes a penalty on any one who shall wilfully and falsely pretend to be, or take or use the name or title of surgeon, &c., or any name, title, addition, or description implying that he is registered under that act. That did not render a person liable to be convicted who called himself a surgeon without being registered, and therefore it was held by the Court of Common Pleas, in *Pedgrift v. Chevallier* (29 L. J. M. C. 225), that the mere fact that a person represented himself to be a surgeon was not sufficient to warrant a conviction under that 40th section, notwithstanding his name did not appear in the medical register, and a previous section, which resembled sect. 13 of this act, enacted that the absence of the name of any person from the medical register shall be evidence, until the contrary appear, that such person is not registered. Here, however, under this 15th section, the penalty attaches if a person who is not duly registered uses the name of chemist. The case of *Pedgrift v. Chevallier* shows that, had it been necessary, the court were prepared there to hold that a book, on the cover of which were the words "By authority," and the title-page of which was "The Medical Register, pursuant to an Act passed in the 21 & 22 Vict. c. 90, to regulate the Qualifications of Practitioners in Medicine and Surgery, 1859 (London, published and sold at the office of the General Council of Medical Education and Registration of the United Kingdom, 32, Soho-square, price 7s. 6d.)" was a copy of the register within the meaning of the Medical Act, and therefore admissible in evidence.

16. *Reserving rights of certain persons.*—Nothing hereinbefore contained shall extend to or interfere with the business of any legally qualified apothecary or of any member of the Royal College of Veterinary Surgeons of Great Britain, nor with the making or dealing in patent medicines, nor with the business of wholesale dealers in supplying poisons in the ordinary course of wholesale dealing; and upon the decease of any pharmaceutical chemist or chemist and druggist actually in business at the time of his death it shall be lawful for any executor, administrator, or trustee of the estate of such pharmaceutical chemist or chemist and druggist to continue such business if and so long only as such business shall be *bonâ fide* conducted by a duly qualified assistant, and a duly qualified assistant within the meaning of this clause shall be a pharmaceutical chemist or a chemist and druggist registered by the registrar under the Pharmacy Act or this act: Provided always, that registration under this act shall not entitle any person so registered to practise medicine or surgery, or any branch of medicine or surgery.

17. *Regulations to be observed in the sale of poisons.*—It shall be unlawful to sell any poison, either by wholesale or by retail, unless the box, bottle, vessel, wrapper, or cover in which such poison is contained be distinctly labelled with the name of the article and the word poison, and with the name and address of the seller of the poison; and it shall be unlawful to sell any poison of those which are in the first part of Schedule (A.) to this act, or may hereafter be added thereto under section two of this act, to any person unknown to the seller, unless introduced by some person known to the seller; and on every sale of any such article the seller shall, before delivery, make or cause to be made an entry in a book to be kept for that purpose stating, in the form set forth in Schedule (F.) to this act, the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser and of the person, if any, who introduced him shall be affixed; and any person selling poison otherwise than is herein provided shall, upon a summary conviction before two justices of the peace in England or the sheriff in Scotland, be liable to a penalty not exceeding five pounds for the first



offence, and to a penalty not exceeding ten pounds for the second or any subsequent offence, and for the purposes of this section the person on whose behalf any sale is made by any apprentice or servant shall be deemed to be the seller; but the provisions of this section, which are solely applicable to poisons in the first part of the Schedule (A.) to this act, or which require that the label shall contain the name and address of the seller, shall not apply to articles to be exported from Great Britain by wholesale dealers, nor to sales by wholesale to retail dealers in the ordinary course of wholesale dealing, nor shall any of the provisions of this section apply to any medicine supplied by a legally qualified apothecary to his patient, nor apply to any article when forming part of the ingredients of any medicine dispensed by a person registered under this act; provided such medicine be labelled in the manner aforesaid, with the name and address of the seller, and the ingredients thereof be entered, with the name of the person to whom it is sold or delivered, in a book to be kept by the seller for that purpose; and nothing in this act contained shall repeal or affect any of the provisions of an act of the session holden in the fourteenth and fifteenth years in the reign of Her present Majesty, intituled "An Act to regulate the Sale of Arsenic."(\*)

18. *Chemists and druggists in business prior to passing of act eligible for election as members of Pharmaceutical Society.*—Every person who at the time of the passing of this act is or has been in business on his own account as a chemist and druggist as aforesaid, and who shall be registered as a chemist and druggist, shall be eligible to be elected and continue a member of the Pharmaceutical Society according to the by-laws thereof; but no person shall, in right of membership acquired pursuant to this clause, be placed on the register of pharmaceutical chemists, nor, save as is hereinafter expressly provided, be eligible for election to the council of the Pharmaceutical Society.

19. *Council of Pharmaceutical Society.*—Every person who is or has been in business on his own account as a chemist and druggist as aforesaid at the time of the passing of this act, and who shall become a member of the Pharmaceutical Society, shall be eligible for election to the council of the Pharmaceutical Society;

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(\*) 14 & 15 Vict. c. 18: (*see Pract. Stats. 1851, p. 22.*)

but the said council shall not at any time contain more than seven members who are not on the register of pharmaceutical chemists.

20. *Chemists and druggists registered eligible to be elected associates, and, being in business, have the privilege of voting in the society, on paying the same subscriptions as members.*—Every person who shall have been registered as a chemist and druggist under this act by reason of having obtained a certificate of qualification from the board of examiners shall be eligible to be elected an associate of the Pharmaceutical Society, and every such person so elected and continuing as such associate, being in business on his own account, shall have the privilege of attending all meetings of the said society and of voting thereat, and otherwise taking part in the proceedings of such meetings, in the same manner as members of the said society: Provided always, that such associates contribute to the funds of the said society the same fees or subscriptions as members contribute for the time being under the by-laws thereof.

21. *Voting papers for election of council.*—At all meetings of the Pharmaceutical Society at which votes shall be given for the election of officers all or any of the votes may be given either personally or by voting papers in a form to be defined in the by-laws of the said society, or in a form to the like effect, such voting papers being transmitted under cover to the secretary not less than one clear day prior to the day on which the election is to take place.

22. *Benevolent fund may be applied to past members and associates, also to pharmaceutical chemists and registered chemists and druggists.*—And whereas by the charter of incorporation of the said Pharmaceutical Society it is provided that the council of the said society shall have the sole control and management of the real and personal property of the said society, subject to the by-laws thereof, and shall make provision thereout, or out of such part thereof as they shall think proper, for the relief of the distressed members or associates of the said society, and their widows and orphans, subject to the regulations and by-laws of the said society: And whereas, for extending the benefits which have resulted from the said provision in the said charter of incorporation, it is desirable that additional power should be granted to the said council: Be it enacted, that from and after the passing of this act the

said council may make provision out of the real and personal property aforesaid, and out of any special fund known as the benevolent fund, not only for the relief of the distressed members or associates of the said society and their widows and orphans, subject to the said regulations and by-laws, but also for all persons who may have been and have ceased to be members or associates of the said society, or who may be or have been duly registered as "pharmaceutical chemists" or "chemists and druggists," and the widows and orphans of such persons, subject to the regulations and by-laws of the said society.

23. *Registration under "Medical Act."*—Persons registered under "Medical Act"<sup>(\*)</sup> shall not be or continue to be registered under this act.

24. *Adulteration of Food or Drink Act to extend to medicines.*—The provisions of the act of the twenty-third and twenty-fourth of Victoria, chapter eighty-four, intituled "An Act for preventing the Adulteration of Articles of Food or Drink," shall extend to all articles usually taken or sold as medicines, and every adulteration of any such article shall be deemed an admixture injurious to health; and any person registered under this act who sells any such article adulterated shall, unless the contrary be proved, be deemed to have knowledge of such adulteration.

25. *Acts of Privy Council.*—On and after the passing of this act all powers vested by the Pharmacy Act in one of Her Majesty's principal Secretaries of State shall be vested in the Privy Council, and the seventh section of "The Public Health Act, 1858," shall apply to all proceedings and acts of the Privy Council herein authorised.

26. *Power to Privy Council to erase names of persons from register.*—The Privy Council may direct the name of any person who is convicted of any offence against this act which in their opinion renders him unfit to be on the register under this act to be erased from such register, and it shall be the duty of the registrar to erase the same accordingly.

27. *Extent of act.*—This act shall not extend to Ireland.

28. *Short title.*—This act may be cited as "The Pharmacy Act, 1868."

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(\*) This is 21 & 22 Vict. c. 90.

## SCHEDULES.

## SCHEDULE (A.)

*Part I.*

Arsenic and its preparations.

Prussic acid.

Cyanides of potassium and all metallic cyanides.

Strychnine and all poisonous vegetable alkaloids and their salts.

Aconite and its preparations.

Emetic tartar.

Corrosive sublimate.

Cantharides.

Savin and its oil.

Ergot of rye and its preparations.

*Part II.*

Oxalic acid.

Chloroform.

Belladonna and its preparations.

Essential oil of almonds unless deprived of its prussic acid.

Opium and all preparations of opium or of poppies.

## SCHEDULE (B.)

Name.	Residence.	Qualification.
A.B.	<i>Oxford-street, London.</i>	In business prior to Pharmacy Act, 1868.
C.D.	<i>George-street, Edinburgh.</i>	Examined and certified.
E.F.	<i>Cheapside, London.</i>	Assistant prior to Pharmacy Act, 1868.

## SCHEDULE (C.)

*Declaration by a Person who was in Business as a Chemist and Druggist in Great Britain before "The Pharmacy Act, 1868."*

To the Registrar of the Pharmaceutical Society of Great Britain.

I , residing at in the county of hereby declare that I was in business as a chemist and druggist, in the keeping of open shop for the compounding of the prescriptions of duly qualified medical practitioners at in the county of , on or before the day of 186 .

Signed (Name.)  
Dated this day of 18 .

## SCHEDULE (D.)

*Declaration to be signed by a duly qualified Medical Practitioner, or Magistrate, respecting a Person who was in Business as a Chemist and Druggist in Great Britain before "The Pharmacy Act, 1868."*

To the Registrar of the Pharmaceutical Society of Great Britain.

I , residing at in the county of , hereby declare that I am a duly qualified medical practitioner [or magistrate], and that to my knowledge , residing at in the county of , was in business as a chemist and druggist, in the keeping of open shop for the compounding of the prescriptions of duly qualified medical practitioners before the day of 186 .  
(Signed)

## SCHEDULE (E.)

*Declarations to be signed by and on behalf of any Assistant claiming to be registered under "The Pharmacy Act, 1868."*

To the Registrar of the Pharmaceutical Society of Great Britain.

I hereby declare that the undersigned , residing at in the county of , had for three years immediately before the passing of "The Pharmacy Act, 1868," been employed in dispensing and compounding prescriptions as an assistant to a pharmaceutical chemist or chemist and druggist, and attained the age of twenty-one years.

As witness my hand, this day of 186 .

*A.B., duly qualified Medical Practitioner.*

*C.D., Pharmaceutical Chemist.*

*E.F., Chemist and Druggist.*

*G.H., Magistrate,*

*(To be signed by one of the four parties named.)*

I hereby declare that I was an assistant to of in the county of in the year , and was for three years immediately before the passing of this act actually engaged in dispensing and compounding prescriptions, and that I had attained the full age of twenty-one years at the time of the passing of "The Pharmacy Act, 1868."

*N.O., Assistant.*

## SCHEDULE (F.)

Date.	Name of Purchaser.	Name and Quantity of Poison sold.	Purpose for which it is required.	Signature of Purchaser.	Signature of Person introducing Purchaser.

## POOR RELIEF ACT.

31 &amp; 32 VICT. CAP. 122.

Sect.

## SUMMARY.

## Preamble.

1. Regulations as to general orders of the Poor Law Board.
2. The sending of copies of orders to the clerks of the justices only to be required in certain cases.
3. Repeal of exception in sect. 2 of 30 & 31 Vict. c. 106.
4. Consent of guardians not required in certain cases—Consent of owners of property and ratepayers dispensed with in certain cases.
5. Superintendent registrars and registrars in temporary districts.
6. Poor Law Board may unite small parishes for the election of guardians.
7. Poor Law Board may appoint officers when guardians make default.
8. Extension of the power of the Poor Law Board to order works and furniture for workhouses.
9. Provision for vacancies and resignations of managers under the Metropolitan Poor Act.
10. Consent of meeting of guardians sufficient for the formation of a school district.
11. New basis for the contributions in school and other districts.
12. Provision for the severance of a parish from a union in a school district, or the addition of a parish thereto.
13. Guardians may pay the cost of idiots sent to asylums for idiots.
14. The 30 & 31 Vict. c. 106, s. 23, to have a retrospective effect.
15. The 30 & 31 Vict. c. 106, s. 20, extended.
16. A separate creed registered to be kept in every workhouse and pauper school.
17. How the religion of children to be entered in the creed register.
18. The Poor Law Board to decide questions as to correctness of the register.
19. Creed registered to be open to inspection of minister.
20. Minister may, subject to regulations, visit and instruct inmates registered as of his religious creed.
21. Where no religious service provided in the workhouse, the inmate may, subject to regulations, go to his own proper place of worship.
22. No child in the workhouse or school visited by a minister of its own religion shall be required to attend any other religious services, unless, being above twelve years of age, he shall desire to do so.

23. Interpretation of 25 & 26 Vict. c. 43, and 29 & 30 Vict. c. 113, s. 14, as to child and consent of parents.
24. Poor Law Board to appoint auditors—Notice of appointment of auditor to be inserted in *London Gazette*.
25. Existing auditors may be superannuated under 22 Vict. c. 26.
26. Repeal of 8 & 7 Will. 4, c. 86, s. 10, requiring the Poor Law Commissioners to appoint registrars in certain places.
27. Provision for incorporation of certain extra-parochial places.
28. 11 & 12 Vict. c. 110, s. 7, extended to parish.
29. Power for guardians of unions mutually to bear the costs of several appeals involving the same common principle.
30. Columns in the valuation lists to be cast up by the committee, and fair copies of the approved valuation lists to be given to the overseers instead of originals.
31. Certified copies of valuation lists rendered available whose original is lost.
32. Guardians may appoint a paid valuer to assist the assessment committee.
33. Order may be made in petty sessions upon a husband to maintain his wife.
34. Irremovability of poor persons not to be affected by an addition of a parish to a union or a separation therefrom.
35. Extension of time for the repayment of loans—Explanation of 30 & 31 Vict. c. 6, s. 52.
36. Jurisdiction of justices to make orders of maintenance.
37. Parents neglecting their children liable to punishment.
38. Provision for the rating of new houses or buildings.
39. Demand of poor-rate may be made on the premises.
40. Demand of rate from a corporation or a company.
41. Payments for bastard children.
42. Provision for poor deaf and dumb or blind children.
43. Certain lunatics may be received in workhouses from county asylums.
44. Repeal of penalties on parish officers supplying goods in unions.
45. Interpretation of terms and consolidation of the acts.
46. Short title.

## THE STATUTE.

*An Act to make further Amendments in the Laws for the Relief of the Poor in England and Wales.*—[31st July, 1868.]

Whereas it is desirable that sundry amendments should be made in the laws for the relief of the poor, and certain other provisions enacted for facilitating the administration of such relief: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords

spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Regulations as to general orders of the Poor Law Board.*—The Poor Law Board shall cause a copy of every general rule, order, or regulation<sup>(1)</sup> issued by them to be laid before both Houses of Parliament as soon as practicable after its publication, but no order of the said board by which a district of unions or parishes and unions shall have been or shall be formed shall be deemed to be a general order within the meaning of “The Poor Law Board Act, 1847.”

2. *The sending of copies of orders to the clerks of the justices only to be required in certain cases.*—The said board shall not be required to send copies of any orders issued by them to the clerks to the justices of the petty sessional divisions, except such as relate to the relief of the poor, the government and management of workhouses and their inmates, and the guidance and regulation of guardians and their officers.

3. *Repeal of exception in sect. 2 of 30 & 31 Vict. c. 106.*—So much of the second section of “The Poor Law Amendment Act, 1867,” as excepts the unions and parishes in the metropolis from the operation of that section, is hereby repealed.

4. *Consent of guardians not required in certain cases—Consent of owners of property and ratepayers dispensed with in certain cases.*—The Poor Law Board may exercise the powers contained in the thirty-second section of “The Poor Law Amendment Act, 1834,” with respect to any union of parishes formed under the eighty-third chapter of the statute of the twenty-second year of King George the Third, and with respect to any union governed by a local act of Parliament, where the relief of the poor is not wholly administered by one board of guardians, without such concurrence of a majority of not less than two-thirds of the guardians of such union as is required in the said section ; and every single parish in which the provisions of the said statute of George the Third shall have been adopted may be dealt with in like manner as any parish in which they shall not have been adopted, and the powers conferred upon the said board by the forty-first section of the said “Poor Law Amend-

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(1) “The Documentary Evidence Act” (*ante*, cap. 37) gives a mode of proving any order or regulation of the Poor Law Board.



ment Act, 1834," in regard to unions and parishes governed by any local act of Parliament, may be exercised by such board without the consent of the majority of the owners and rate-payers of property as therein required, as and when such board shall deem it expedient.

5. *Superintendent registrars and registrars in temporary districts.*—All superintendent registrars and registrars of births, deaths, and marriages, and registrars of marriages, in temporary districts formed under the provisions of the act sixth and seventh William the Fourth, chapter eighty-six, shall be entitled to continue in office in the event of such temporary districts being dissolved, and the parishes, townships, and places contained therein being formed into one and the same union.

6. *Poor Law Board may unite small parishes for the election of guardians.*—The said board may, by order under seal, add any parish in a union, the population of which parish, according to the census last declared, shall not exceed three hundred, the annual rateable value whereof shall not exceed the average rateable value of the parishes in the same union according to the valuation lists in force for the time being, to some adjoining parish in the same union for the purpose of the election of guardians; and the persons qualified to elect such guardians in either parish shall be qualified to vote at such election for the parishes so united.

7. *Poor Law Board may appoint officers when guardians make default.*—In case the board of guardians fail for twenty-eight days after receipt of a requisition of the Poor Law Board in that behalf to appoint, either originally or on a vacancy, any officer whom they shall be lawfully required to appoint, the Poor Law Board may, at any time after the expiration of the said term of twenty-eight days, if they think fit, by order under their seal, appoint a fit person to be such officer, and determine the salary or remuneration to be paid to him by such guardians; and the person so appointed shall recover such salary or remuneration by action in a county or other court of law against such guardians, and shall have all the same powers, rights, and privileges, and shall discharge all the same duties, and incur the same responsibilities, as if the appointment had been duly made by the said guardians.

8. *Extension of the power of the Poor Law Board to order*

*works and furniture for workhouses.*—The power conferred upon the Poor Law Board by the twenty-fifth section of “The Poor Law Amendment Act, 1834,” as extended by the eighth section of “The Poor Law Amendment Act, 1866,”<sup>(2)</sup> shall apply to the providing of proper drainage, sewers, ventilation, fixtures, furniture, surgical and medical appliances, and other conveniences at any workhouse.

9 *Provision for vacancies and resignations of managers under the Metropolitan Poor Act.*—All the provisions contained in “The Poor Law Amendment Act, 1842,”<sup>(3)</sup> in respect of the election, qualification, resignation, and the acts of guardians of a union, and in respect of the supply of vacancies in the board of guardians, shall apply to the members of the district boards or board formed or to be formed under the authority of “The Metropolitan Poor Act, 1867,”<sup>(4)</sup> whether nominated or elective, or of this act, and to the persons nominated as guardians by the Poor Law Board under the said act of 1867; and so much of “The Metropolitan Poor Act, 1867,” as requires persons, other than justices of the peace, nominated by the Poor Law Board as managers or guardians, to be resident within the district, union, or parish respectively for which they may be nominated, shall be repealed.

10. *Consent of meeting of guardians sufficient for the formation of a school district.*—Where the consent of the guardians of any union or parish is required to be given to the formation of a school district, the consent of the major part of the guardians assembled at one of their ordinary meetings, after notice in writing previously sent to every member of the board not less than two weeks previously specifying the proposal for such consent, shall be sufficient.

11. *New basis for the contributions in school and other districts.*—From and after the twenty-ninth day of September next the

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<sup>(2)</sup> Sect. 25 of 4 & 5 Will. 4, c. 76, “The Poor Law Amendment Act, 1834,” gives power to the commissioners (now the Poor Law Board) to order overseers, &c., to alter or enlarge workhouses, and for that purpose sums of money may be raised and levied; and by sect. 8 of 29 & 30 Vict. c. 113 (“Poor Law Amendment Act, 1866”) the money to be so raised is not to exceed one-tenth of the average annual amount of poor-rates for the last preceding three years.

<sup>(3)</sup> This is 5 & 6 Vict. c. 57.

<sup>(4)</sup> 30 Vict. c. 6.

act of the session held in the thirteenth and fourteenth years of Her present Majesty, chapter eleven, shall be repealed in respect of any debts, charges, and liabilities to be incurred or created after that day; and thenceforth all the expenses and charges which, according to the provisions of "The Poor Law Amendment Act, 1844," would be chargeable upon the common fund of any district formed or to be formed under that act or under this act, shall be borne by the several unions or parishes comprised in the district according to the annual rateable value of the property therein comprised, to be determined according to the valuation lists in force in such unions, and according to the latest poor-rate for the time being for the parishes not in union, or, so far as respects any district wholly or partially within the metropolis, as defined by "The Metropolis Poor Act, 1867,"<sup>(5)</sup> on such other basis as the Poor Law Board shall from time to time direct.

12. *Provision for the severance of a parish from a union in a school district, or the addition of a parish thereto.*—In the case of a parish added to or taken from any union comprised in a school district the Poor Law Board shall ascertain the proportionate value of the property and amount of obligations of such parish, and of every other parish or union affected by the change, and shall fix the amount to be received or paid or secured to be paid by every such parish or union, or by the district, as the case may require.

13. *Guardians may pay the costs of idiots sent to asylums for idiots.*—The guardians of any union or parish may, with the consent of the Poor Law Board, send an idiotic pauper to an asylum or establishment for the reception and relief of idiots maintained at the charge of the county rate or by public subscription, and they may with the like consent send any idiotic, imbecile, or insane pauper who may lawfully be detained in a workhouse to the workhouse of any other union or parish, with the consent of the guardians of such last-mentioned union or parish, and pay the cost of the maintenance, clothing and lodging of such pauper in the asylum, establishment, or workhouse,

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<sup>(5)</sup> In that act (30 Vict. c. 6), sect. 3, the term "the metropolis" means the metropolis as defined by "The Metropolitan Management Act, 1855" (18 & 19 Vict. c. 120), in the 250th section of which the definition is to be found.

as well as the cost of his conveyance thereto or his removal therefrom, and the expenses of his burial, when necessary.

14. *The 30 & 31 Vict. c. 106, s. 23, to have a retrospective effect.*—The provisions contained in the twenty-third clause of "The Poor Law Amendment Act, 1867," shall apply to pauper lunatics sent to an asylum before the passing of that act as well as since.

15. *The 30 & 31 Vict. c. 106, s. 20, extended.*—The provisions contained in the twentieth section of "The Poor Law Amendment Act, 1867," shall extend to the case of a parish which shall have been or shall be added to or separated from a union, and to any officer who by reason of such addition or separation shall have been or shall be deprived of his office or employment.

16. *A separate creed registered to be kept in every workhouse and pauper school.*—The officer for the time being acting as the master of a workhouse, or as the master or superintendent of a district or other pauper school, shall keep a register of the religious creed of the pauper inmates of such workhouse or school separate from all other registers in such form and with such particulars as shall be prescribed by the Poor Law Board by an order under their seal, and shall, as regards every inmate of such workhouse or school at the date to be fixed by such order, and subsequently upon the admission of every inmate therein, make due inquiry into the religious creed of such inmate, and enter such religious creed in such register.

17. *How the religion of children to be entered in the creed register.*—In regard to any child in the workhouse or school under the age of twelve years, whether either of its parents be in the workhouse or not, or whether it be an orphan or deserted child, the master or superintendent shall enter in such register, as the religious creed of such child, the religious creed of the father, if the master or superintendent know or can ascertain the same by reasonable inquiry, or, if the same cannot be so ascertained, the creed of the mother of such child, if the same be known to the said master or superintendent, or can be by him in like manner ascertained; and the creed of an illegitimate child under the said age shall be deemed to be that of its mother, when that can be ascertained.

18. *The Poor Law Board to decide questions as to correctness of the register.*—If any question shall arise as to the correctness of

any entry in such register, the Poor Law Board may, if they think fit, inquire into the circumstances of the case, and determine such question by directing such entry to remain or to be amended, according to their judgment.

19. *Creed register to be open to inspection of minister.*—Every minister of any denomination officiating in the church, chapel, or other registered place of religious worship of such denomination which shall be nearest to any workhouse or "school, or any rate-payer of any parish in the union, shall be allowed to inspect the register which contains the entry of the religious creed of the inmates at any time of any day, except Sunday, between the hours of ten before noon and four after noon.

20. *Minister may, subject to regulations, visit and instruct inmates registered as of his religious creed.*—Such minister may, in accordance with such regulations as the said board shall approve of or by their order prescribe, visit and instruct any inmate of such workhouse or school entered in such register as belonging to the same religious creed as such minister belongs to, unless such inmate, being above the age of fourteen, and after having been visited at least once by such minister, shall object to be instructed by him.

21. *Where no religious service provided in the workhouse, the inmate may, subject to regulations, go to his own proper place of worship.*—Every inmate for whom a religious service according to his own creed shall not be provided in the workhouse shall be permitted, subject to regulations to be approved of or ordered by the Poor Law Board, to attend at such times as the said board shall allow, some place of worship of his own denomination within a convenient distance of the said workhouse, if there be such in the opinion of the board: Provided that the guardians may, for abuse of such permission previously granted, or on some other special ground, refuse permission to any particular inmate, and shall in such case cause an entry of such refusal, and the grounds thereof to be made in their minutes.

22. *No child in the workhouse or school visited by a minister of its own religion shall be required to attend any other religious services, unless, being above twelve years of age, he shall desire to do so.*—No child being an inmate of a workhouse or such school as aforesaid, who shall be regularly visited by a minister of his own religious creed for the purpose of religious instruction, shall, if the

parents or surviving parent of such child, or in the case of orphans or deserted children, if such minister make request in writing to that effect, be instructed in any other religious creed, or be required or permitted to attend the service of any other religious creed, than that entered in such register as aforesaid, except any child above the age of twelve years who shall desire to receive instruction in some other creed, or to attend the service of any other religious creed, and who shall be considered by the Poor Law Board to be competent to exercise a judgment upon the subject.

23. *Interpretation of 25 & 26 Vict. c. 43, and 29 & 30 Vict. c. 113, s. 14, as to child and consent of parents.*—The act of the twenty-fifth and twenty-sixth Victoria, chapter forty-three, and section fourteen of "The Poor Law Amendment Act of 1866" <sup>(\*)</sup> shall apply to illegitimate as well as legitimate children; and with regard to illegitimate children the consent of the mother, if she has the care, custody, or possession of the child, shall be sufficient for the purposes of those acts; and in case of a deserted child or an orphan child on behalf of whom no relative, next of kin, step-parent, or god-parent shall make application, the Poor Law Board may exercise the power conferred upon them by section fourteen of the said act of 1866, upon being satisfied that there is reasonable ground for their doing so.

24. *Poor Law Board to appoint auditors—Notice of appointment of auditor to be inserted in London Gazette.*—So much of "The Poor Law Amendment Act, 1844," section thirty-two, as provides for the election of district auditors, shall be repealed; and whenever the office of an auditor appointed or to be appointed under the authority of the said act shall, after the passing of this act, become vacant, or whenever an auditor shall be ordered to be appointed for any district or parish under the authority of the said act, or of "The Poor Law Amendment Act, 1834," the Poor

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(\*) The 25 & 26 Vict. c. 43 enables pauper children to be sent to certain certified schools, to be there maintained and educated at an expense which would be the same, and chargeable in the same manner as if they had been relieved in the workhouse; and provision is made by 29 & 30 Vict. c. 113, s. 14, for such children being sent to some certified school established for the education of children of the religion to which they belong in case the parents or next-of-kin of such children do not belong to the Established Church, or there be no parents or next-of-kin.

Law Board may, by order under their seal, appoint a person to be auditor of such district (or any part thereof) or of such parish; and the said person so appointed shall have all the powers and privileges, and shall do all the matters and things, which the auditors of districts under any act of Her Majesty have or are required or empowered to do; and the provisions contained in "The Poor Law Board Act, 1847," relative to the salaries of the persons therein mentioned, shall apply to the salaries of the persons to be appointed as auditors by the Poor Law Board; provided that before such auditor shall be empowered to act a notice of his appointment shall be inserted in the *London Gazette*, and no further or other notice or proof of such appointment shall be required.

25. *Existing auditors may be superannuated under 22 Vict. c. 26.*—Every auditor for the time being appointed under the authority of the said Poor Law Amendment Act, 1834, or of any act amending the same, shall be deemed to be a civil servant of the state within the operation of the act of the twenty-second year of Her Majesty's reign, chapter twenty-six.

26. *Repeal of 6 & 7 Will. 4, c. 86, s. 10, requiring the Poor Law Commissioners to appoint registrars in certain places.*—So much of the eighty-sixth chapter of the act passed in the session held in the sixth and seventh years of the reign of his late Majesty as provides that the Poor Law Commissioners shall appoint a registrar to the temporary districts therein referred to shall be repealed; and the board of guardians acting therein shall henceforth appoint the registrars for such districts.

27. *Provision for incorporation of certain extra-parochial places.*—From the twenty-fifth day of December next every place which was or is reputed to be extra-parochial, whether entered by name in the report upon the census for the year one thousand eight hundred and fifty-one or not, for which an overseer has not been then appointed, or for which no overseer shall be then acting, or which has not been then annexed to and incorporated with an adjoining parish, shall for all civil parochial purposes be annexed to and incorporated with the next adjoining parish with which it has the longest common boundary (\*), and

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(\*) By 20 Vict. c. 19, s. 1, extra-parochial places are made parishes for the purpose of relief to the poor. Any such place being then for that purpose a parish, the Poor Law Board may, in

in case there shall be two or more parishes with which it shall have boundaries of equal extent, then with that parish which now contains the lowest amount of rateable value; and every accretion from the sea, whether natural or artificial, and the part of the seashore to the low-water mark, and the bank of every river to the middle of the stream, which on the said twenty-fifth day of December next shall not be included within the boundaries of or annexed to and incorporated with any parish, shall for the same purposes be annexed to and incorporated with the parish to which such accretion, part, or bank adjoins in proportion to the extent of the common boundary.

28. 11 & 12 Vict. c. 110, s. 7, *extended to a parish*.—The provisions of the seventh section of "The Poor Law Amendment Act, 1848," empowering guardians of unions to cause valuations to be made upon application as therein set forth, shall apply to the guardians of a parish not comprised in any union.

29. *Power for guardians of unions mutually to bear the costs of several appeals involving the same common principle*.—Where an appeal is brought against the poor-rate of a parish in a union, and may appear to involve a principle in which some neighbouring parish has a common interest, it shall be lawful for the guardians of the unions comprising such parishes to enter into an agreement mutually to bear the costs which may be properly incurred in and about the trial of such appeals on the part of the several respondents, as well as the costs of the appellants, if any, which may be awarded against the respondents, in such

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exercise of their power under "The Poor Law Amendment Act, 1834" (4 & 5 Will. 4, c. 76, s. 82), annex it to a union without the consent of any owners or occupiers of land in such place: (*Reg. v. Boteler*, 32 L. J. M. C. 91, and *The Overseers of the Parish of Staple Inn v. Guardians of Poor of Holborn Union*, 33 L. J. M. C. 181). If, however, the place be a parish and not therefore extra-parochial, though it has no poor and no poor-rate, it is not within 20 Vict. c. 19, notwithstanding it be entered in the report of the Registrar-General on the last census as extra-parochial, and if it had but one householder, there would, prior to the late statute (29 & 30 Vict. c. 113), have been a difficulty in making it contribute to the common fund of the union, since the 43 Eliz. c. 2, s. 1, authorises the appointment of not less than two overseers: (*Reg. v. Cousins* 33 L. J. M. C. 87.) This difficulty has been removed by 29 & 30 Vict. c. 113, s. 11, which enables the justices to appoint one overseer only for small parishes, who, if need be, may be an inhabitant of an adjoining parish.



proportions as shall be fixed and determined with reference to the amount of interest of the several unions in the question, or otherwise as shall appear just; and the said agreement shall continue binding upon the several boards of guardians and their respective successors in succession until the several appeals shall have been finally determined.

30. *Columns in the valuation lists to be cast up by the committee, and fair copies of the approved valuation lists to be given to the overseers instead of originals.*—When the assessment committee in any union shall have finally approved of any valuation list, whether original, substitutional, or supplemental, they shall cause the total of the entries in the columns for the gross estimated value and the rateable value to be ascertained and entered at the foot of the same, and shall retain such list for the use of the guardians, to be dealt with in the manner provided by the thirty-first section of “The Union Assessment Committee Act, 1862,”<sup>(\*)</sup> and shall deliver a fair copy of the same to the overseers, signed by the three members of the committee who approved of the same; and such copy shall be countersigned by the clerk of the committee, and shall be preserved by the overseers, and dealt with by them in all respects as the lists made out by them would have been dealt with according to the law now in force, and it shall not be necessary for the said committee to cause any other copy to be made.

31. *Certified copies of valuation lists rendered available whose original is lost.*—Where any valuation list heretofore approved, or the copy hereafter to be made, shall be lost, injured, or destroyed, the overseers of the parish to which it relates may apply to the clerk of the guardians for a copy of the same; and the clerk, upon payment of a reasonable compensation, not exceeding three shillings for one hundred separate rateable hereditaments, shall give such copy, and certify the same to be a true copy of the list deposited with the said guardians, and such certified copy shall be thenceforth available as the original.

32. *Guardians may appoint a paid valuer to assist the assessment committee.*—The guardians may, upon the application of the

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(\*) 25 & 26 Vict. c. 103: (see Pract. Stats. 1862, p. 427.)

assessment committee, after notice sent in the manner required by "The Union Assessment Committee Act, 1862"<sup>(9)</sup>, appoint some competent person to assist the committee in the valuation of the rateable hereditaments of the union for such periods as they shall see fit, at a salary or other settled remuneration to be paid out of the common fund.

33. *Order may be made in petty sessions upon a husband to maintain his wife.*—When a married woman requires relief without her husband, the guardians of the union or parish, or the overseers of the parish, as the case may be, to which she becomes chargeable, may apply to the justices having jurisdiction in such union or parish in petty sessions assembled, and thereupon such justices may summon such husband to appear before them to show cause why an order should not be made upon him to maintain his wife; and upon his appearance, or, in the event of his not appearing, upon proof of due service of such summons upon him, such justices may, after hearing such wife upon oath, or receiving such other evidence as they may deem sufficient, make an order upon him to pay such sum, weekly or otherwise, towards the cost of the relief of the wife, as, after consideration of all the circumstances of the case, shall appear to them to be proper, and shall determine in such order how and to whom the payments shall from time to time be made<sup>(10)</sup>; which order shall, if the payments required by it to be made be in arrear, be enforced in the manner prescribed by the act of the eleventh and twelfth Victoria, chapter forty-three, for the enforcing of orders of justices requiring the payment of a sum of money: Provided that such order may be at any future time revoked by the justices in petty sessions assembled, if they see sufficient cause for so doing.

34. *Irremovability of poor persons not to be affected by an addition of a parish to a union or a separation therefrom.*—Where

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<sup>(9)</sup> 25 & 26 Vict. c. 103, s. 41 : (see Pract. Stats. 1862, p. 427.)

<sup>(10)</sup> By 4 & 5 Will. 4, c. 76, sect. 56, relief given to or on account of the wife is to be considered as given to the husband. The overseer might therefore have compelled the husband to have repaid the amount of relief given to the wife. This section enables the justices to make an order upon the husband to pay a sum weekly or otherwise for the maintenance of his wife, which may be enforced by distress or commitment according to the manner prescribed by 11 & 12 Vict. c. 43, sect. 19 to 21.

any poor person shall have acquired an exemption from removal in any parish or union, and the parish wherein that exemption shall have been wholly or partly acquired shall have been or shall be added to or separated from a union, such poor person shall continue to have the same exemption from removal as he would have been entitled to if no such addition or separation had taken place.

35. *Extension of time for the repayment of loans—Explanation of 30 & 31 Vict. c. 6, s. 52.*—The time limited for the repayment of money borrowed under "The Poor Law Amendment Act, 1834," and the subsequent acts extending or amending the same, and "The Metropolitan Poor Act, 1867," shall be extended from twenty to thirty years; and the term "promoters of the undertaking" in section fifty-two of the last-mentioned act shall be deemed to have included managers and guardians desirous of purchasing lands for any of the purposes of the poor law acts as therein defined.

36. *Jurisdiction of justices to make orders of maintenance.*—So much of the acts of the forty-third Elizabeth, chapter two, and the fifty-ninth George the Third, chapter twelve, as enables orders of maintenance to be made by the justices having jurisdiction in the place where the persons upon whom they are to be made dwell, and as prescribes the penalty for disobedience, and section seventy-eight of "The Poor Law Amendment Act, 1834," shall, in respect of any order to be made hereafter, be repealed; and such orders shall be made by the justices in petty sessions assembled at their usual place of meeting having jurisdiction in the union or parish to which the poor person in whose behalf the same shall be sought to be made shall be chargeable, and shall be enforced in the manner prescribed by the said act of the eleventh and twelfth Victoria, chapter forty-three, for enforcing orders of justices.

37. *Parents neglecting their children liable to punishment.*—When any parent shall wilfully neglect to provide adequate food, clothing, medical aid, or lodging for his child, being in his custody, under the age of fourteen years, whereby the health of such child shall have been or shall be likely to be seriously injured, he shall be guilty of an offence punishable on summary conviction, and being convicted thereof before any two justices shall be liable to be imprisoned for any period not exceeding six months, with

or without hard labour, as such justices shall decide; provided that such justices may suspend the sentence until further notice if the offender enter into his own recognisances, with or without one or more sureties as the justices may think fit, to come up for judgment when called upon; and the guardians of the union or parish in which such child may be living shall institute the prosecution and pay the costs thereof out of their funds.

38. *Provision for the rating of new houses or buildings.*—When any person shall occupy any new house or other building in any parish where the poor-rate is not made under the provisions of a local act, which house or building was incomplete, or not fit for occupation, or was not entered as such in the valuation list in force in the parish at the time when the current rate for the time being was made, the overseers may enter such house or building with the name of the occupier thereof and the date of the entry in the rate book, and require the occupier to pay such amount as according to their judgment shall be the proper sum, having due regard to the rateable value of such house or building, and the time which shall have elapsed from the making of the current rate to the date of such entry, and the person so charged shall be considered as actually rated from such date, and shall be liable to pay the sum assessed in like manner and subject to the like penalty of distress, and with the like power of appeal, as if he had been assessed for the same when the rate was made: Provided that when the said overseers shall so enter the said house or building in the rate book they shall forward to the assessment committee of the union comprising such parish, if any such there be, a supplemental list with reference to such house or building, and the same shall be dealt with in all respects, and with the like incidents and consequences, as a supplemental list made by the overseers under section twenty-five of “The Union Assessment Committee Act, 1862.”

39. *Demand of poor-rate may be made on the premises.*—When a poor-rate shall be made and assessed upon any land or premises, and the occupier thereof is not living on such land or premises nor in the parish for which the rate shall be made, or the owner, if assessed for such rate in the place of the occupier, is not living in such parish, a demand of the rate in writing delivered to the person having the custody of the land

of premises, or if no such person can be found then affixed upon some conspicuous part of the land or premises, shall be deemed a sufficient demand to justify proceedings for the non-payment of such rate; and where the residence or place of abode of the person assessed is not known to the overseers, and cannot be ascertained upon inquiry at the said land or premises, the summons for the nonpayment of the rate may be served in like manner.

40. *Demand of rate from a corporation or a company.*—When a poor-rate is assessed upon any corporation aggregate, joint stock or other company, or any conservators or other public trustees, a demand for payment, either made by letter sent through the post addressed to the clerk or secretary or other principal officer of the corporation, company, conservators, or trustees at the office of such corporation, company, conservators, or trustees, or made personally upon such clerk, secretary, or officer at such office, shall be deemed a sufficient demand, and a summons for the nonpayment of such rate may be served in like manner.

41. *Payments for bastard children.*—When and so often as any bastard child for whose maintenance an order has been made by justices under the provisions of the fifth section of the seventh and eighth Victoria, chapter one hundred and one, shall become chargeable to any parish or union, any two justices in petty sessions may, if they shall see fit, by order under their hands and seals, from time to time appoint some relieving or other officer of the parish or union to which such bastard child shall be so chargeable to receive on account of such parish or union such proportion of the payments then due or becoming due under the order of petty sessions made under the provisions of the said act as may accrue during the period for which such child is chargeable, and such appointment shall remain in force for the period of one whole year whenever the bastard child shall be or have become chargeable as aforesaid, and may afterwards from time to time be renewed by indorsement under the hand of any one justice for the like period; and so much of section seven of the said act as prohibits an officer of any parish or union from receiving money under such order as aforesaid is hereby repealed, and any payment so ordered to be made shall be recoverable by the relieving officer or other officer

See 35 & 36 Vic. c. 66  
Sec. 7

appointed to receive it in the manner provided by section three of the said act.<sup>(1)</sup>

42. *Provision for poor deaf and dumb or blind children.*—The guardians of any union or parish may, with the approval of the Poor Law Board, send any poor deaf and dumb or blind child to any school fitted for the reception of such child, though such school shall not have been certified under the provisions of the act of the twenty-fifth and twenty-sixth years of Victoria, chapter forty-three.

43. *Certain lunatics may be received in workhouses from county asylums.*—The guardians of any union or parish may, with the consent of the Poor Law Board and the Commissioners in Lunacy, and subject to such regulations as they shall respectively prescribe, receive into the workhouse any chronic lunatic not being dangerous who may have been removed to a lunatic asylum, and selected by the superintendent of the asylum and certified by him to be fit and proper so to be removed, upon such terms as may be agreed upon between the said guardians and the committee of visitors of any such asylum, and thereupon every such lunatic, so long as he shall remain in such workhouse, shall continue a patient on the books of the asylum for and in respect of all the provisions in the lunacy acts, so far as they relate to lunatics removed to asylums.

44. *Repeal of penalties on parish officers supplying goods in unions.*—So much of the act of the fifty-fifth year of the reign of King George the Third, chapter one hundred and thirty-seven, and of "The Poor Law Amendment Act, 1834," as renders the churchwardens and overseers of the poor of any parish comprised in a union liable to a penalty in respect of the furnishing, providing, or supplying of goods, materials, or provisions for the use of any workhouse, or the support and

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(1) Sect. 3 of 7 & 8 Vict. c. 101 authorises the justices to enforce the order by distress and commitment. That section has been amended by 8 & 9 Vict. c. 10, s. 8, which removes the doubts which had existed under the former act whether there was power to commit if the putative father had sufficient goods to levy on, but not within the jurisdiction of the justices, and enacts that they may so commit if no sufficient distress can be had on any goods within such jurisdiction of the justices. It does not appear that this is to apply in enforcing the order by the relieving officer under this act. That seems to be an accidental omission.

maintenance of the poor, shall, as regards any supply after the passing of this act, be repealed.

45. *Interpretation of terms and consolidation of the acts.*—The words used in this act shall be construed in the like manner as in “The Poor Law Amendment Act, 1834,” and subsequent acts amending and extending the same, and the provisions contained therein and in such subsequent acts, and not repealed, shall, so far as they shall be consistent herewith, be extended to this act.

46. *Short title.*—This act may be cited and described for all purposes as “The Poor Law Amendment Act, 1868.”

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31 & 32 VIOT. CAP. 123.

*An Act to amend the Law relating to Salmon Fisheries in Scotland.*—[31st July, 1868.]

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INLAND REVENUE ACT.

31 & 32 VIOT. CAP. 124.

Sect.

SUMMARY.

1. Penalties under Inland Revenue Acts to belong to Her Majesty.
2. Expenses of prosecutions to be paid out of supplies provided by Parliament.
3. Condition in distiller's bond, specifying time for using duty-free sugar, &c., may be dispensed with or altered—In such cases duty to be paid on deficiency in quantity of sugar, &c., in stock.
4. Methylated spirit may be sold by the maker in vessels of five gallons content.
5. Retailer of methylated spirit may receive such spirit from another retailer in a quantity not exceeding a gallon at one time.
6. Defining the meaning of the word “spirits” in sects. 17 and 18 of 1 & 2 Will. 4, c. 55.
7. Mortgage debts on leaseholds may be deducted from the value thereof before probate, &c.
8. Affidavit of value for probate, &c., in England or Ireland to be in the form in the schedule.
9. Arrears of legacy duty or succession duty to be paid with interest.
10. Reduction of duty on foreign and colonial bonds, &c., for money not exceeding 25*l*.

11. The exemption from stamp duty in favour of building societies restricted in the case of mortgages.
  12. As to stamp duty on transfers of debenture stock.
- Schedule.

THE STATUTE.

*An Act to amend the Laws relating to the Inland Revenue.—*  
[31st July, 1868.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Sect. 1. *Penalties under Inland Revenue Acts to belong to Her Majesty.*—All fines, penalties, and forfeitures incurred under any act relating to the inland revenue, and recovered after the first day of October, one thousand eight hundred and sixty-eight, shall go and be applied to the use of Her Majesty, her heirs or successors, anything in any act to the contrary notwithstanding ; and all such fines and penalties, and all such forfeitures or the proceeds thereof, and all costs, charges, and expenses payable in respect thereof or in relation thereto respectively, shall, without any deduction therefrom, be paid to the Commissioners of Inland Revenue, or to such officer or person as the said commissioners shall appoint to receive the same.

2. *Expenses of prosecutions to be paid out of supplies provided by Parliament.*—All costs, charges, and expenses attending proceedings for recovery of penalties and forfeitures incurred under any act relating to the inland revenue, and all sums of money allowed as rewards, shall be deemed to be charges of collection and management, and shall be paid by the Commissioners of Inland Revenue out of such aids or supplies as may be from time to time provided and appropriated by Parliament for the purpose.

3. *Condition in distiller's bond, specifying time for using duty-free sugar, &c., may be dispensed with or altered*—*In such cases duty to be paid on deficiency in quantity of sugar, &c., in stock.*—In any case in which a bond is to be given by a distiller under the provisions of the fifty-fourth section of the act of the twenty-third and twenty-fourth years of Her Majesty, chapter one hundred and fourteen, it shall be lawful for the Commissioners of Inland Revenue, or the Commissioners of Customs, in their discretion,



to dispense with the stipulation required to be inserted in the condition of the bond, specifying the time within which sugar and molasses shall be used and consumed in the distilling of spirits, or to cause to be inserted in the condition of the bond in lieu of the required stipulation, such stipulation allowing further time for the use and consumption of sugar and molasses as aforesaid as to the said commissioners respectively shall seem fit; and in the event of the said commissioners dispensing with the required stipulation, or causing to be inserted any other stipulation as aforesaid, the distiller entering into the bond shall be chargeable with and shall pay the full duties of customs or excise, as the case may be, upon any deficiency in the quantity of sugar, molasses, or treacle that may be found at any time in his storehouse or room, as in section sixty of the said act is mentioned, in addition to the penalty of twenty pounds imposed by such section; and for the more convenient recovery of the said duties they shall be deemed to be duties of excise, and recoverable as any other excise duties.

4. *Methylated spirit may be sold by the maker in vessels of five gallons content.*—Whereas it is provided by the eighth section of the act passed in the eighteenth and nineteenth years of Her Majesty's reign, chapter thirty-eight, that no methylated spirit shall be sold, sent out, or delivered under the provisions of the said act otherwise than in vessels containing not less than ten gallons; and it is expedient to allow such spirit to be sent out in less quantity: Be it enacted, that the penalty imposed by the said section shall not be incurred by any person who shall sell, send out, or deliver any methylated spirit in vessels containing not less than five gallons of such spirit, and shall in so doing have complied with all the provisions of the said act which are consistent with this act, and with the orders and regulations of the Commissioners of Inland Revenue in that behalf.

5. *Retailer of methylated spirit may receive such spirit from another retailer in a quantity not exceeding a gallon at one time.*—Whereas it is provided by the third section of the act passed in the twenty-fourth and twenty-fifth years of Her Majesty's reign, chapter ninety-one, that no person licensed under that act for the sale of methylated spirit shall receive into his stock, custody, or possession any such spirit otherwise than from a distiller or rectifier of spirits, or licensed person specially authorised to

make methylated spirit under the provisions of the said act of the eighteenth and nineteenth years of Her Majesty, and it is expedient to allow the receipt of such spirit as hereinafter mentioned: Be it enacted, that the penalty imposed by the said section shall not be incurred by any person licensed to sell methylated spirit as aforesaid by reason of his receiving from any other person so licensed any methylated spirit in a quantity not exceeding one gallon at one time.

6. *Defining the meaning of the word "spirits" in sects. 17 and 18 of 1 & 2 Will. 4, c. 55.*—Whereas under the seventeenth and eighteenth sections of the act of the first and second years of the reign of King William the Fourth, chapter fifty-five, power is given to any officer of excise to seize in Ireland, as therein provided, any spirits, low wines, wort, wash, and other materials preparing or prepared for distillation, and doubts have arisen whether, under the provisions in the said sections contained, spirits completely distilled can be lawfully seized: Be it declared, that the word spirits, wherever such word is used, in the said sections respectively, shall be taken to include all spirits whatsoever, whether completely distilled or otherwise.

7. *Mortgage debts on leaseholds may be deducted from the value thereof before probate, &c.*—From and after the first day of September, one thousand eight hundred and sixty-eight, where any leasehold estates form part of the estate and effects of a deceased person for or in respect of which probate or letters of administration is or are to be granted in England or Ireland, and such leasehold estates are the sole security by way of mortgage for any debts due and owing from the deceased, the amount of such mortgage debts may be deducted from the value of the said leasehold estates, and the stamp duty shall be chargeable on the value of the estate and effects for or in respect of which the probate or letters of administration shall be granted, after deducting therefrom the amount of such mortgage debts.

8. *Affidavit of value for probate, &c., in England or Ireland to be in the form in the schedule.*—In any case in which any such deduction as is authorised by the last preceding section is made, the affidavit to be required and received from the person applying for probate of the will or letters of administration of an estate and effects of a deceased person under the provisions of the thirty-eighth section of the act of the fifty-fifth year of King

George the Third, chapter one hundred and eighty-four, or under the provisions of the one hundred and seventeenth section of the act of the fifty-sixth year of King George the Third, chapter fifty-six, shall be in the form contained in the schedule to this act; and every such affidavit, with the account thereto annexed, if any, shall be transmitted in original to the Commissioners of Inland Revenue in like manner as is directed by the ninety-third section of the act of the twentieth and twenty-first years of Her Majesty, chapter seventy-seven, and by the one hundredth section of the act of the twentieth and twenty-first years of Her Majesty, chapter seventy-nine, with reference to the original affidavit in such sections respectively mentioned.

9. *Arrears of legacy duty or succession duty to be paid with interest.*—Whereas it is expedient to make express provision as to the payment of interest on arrears of legacy duty and succession duty: Be it enacted, that in any case in which duty payable in respect of any legacy or residue under the legacy duty acts now in force, or in respect of any succession under “The Succession Duty Act, 1853,” is or shall be in arrear, the person by whom the arrears of duty may be payable shall be liable to pay interest thereon at the rate of four pounds per centum per annum; and such interest shall be recoverable by the Commissioners of Inland Revenue in the same manner as the arrears of duty, and as part thereof: Provided always, that the acceptance or recovery by the said commissioners of arrears of duty, with interest thereon as aforesaid, shall be an absolute waiver of the penalties (if any) which may have been incurred under the legacy duty acts or the Succession Duty Act.

10. *Reduction of duty on foreign and colonial bonds, &c., for money not exceeding 25*l.**—In lieu of the stamp duty payable by virtue of the act of the twenty-fifth year of Her Majesty, chapter twenty-two, upon or in respect of any foreign or colonial bond, debenture, or other security for money not exceeding twenty-five pounds, there shall be payable from and after the passing of this act the stamp duty of eightpence.

11. *The exemption from stamp duty in favour of building societies restricted in the case of mortgage.*—The exemption from stamp duty conferred by the act of the sixth and seventh years of King William the Fourth, chapter thirty-two, for the regulation of benefit-building societies, shall not extend to any mortgage to be

made after the passing of this act, except a mortgage to be made by a member of a benefit-building society for securing the repayment to the society of money, and not exceeding five hundred pounds: Provided always, that nothing herein contained shall render any receipt given under the provisions of the fifth section of the said act liable to any stamp duty.

12. *As to stamp duty on transfers of debenture stock.*—In lieu of the duties now payable under the provisions of any act or acts of Parliament upon transfers of debenture stock of any company, there shall be charged and paid upon every such transfer a stamp duty of two shillings and sixpence for every full sum of one hundred pounds, and also for any fractional part of one hundred pounds of the nominal amount of the stock transferred.

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### THE SCHEDULE.

FORM OF AFFIDAVIT required and to be received from persons applying for probates of wills and letters of administration, in cases in which mortgage debts may be deducted from the value of leaseholds.

#### I.

##### FOR EXECUTORS.

A.E. of \_\_\_\_\_, an executor [or A.E. of \_\_\_\_\_ and B.E. of \_\_\_\_\_, executors, as the case may be] named in the last will and testament [or in a codicil annexed to the last will and testament] of C.T. [the testator], late of \_\_\_\_\_, who died on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, maketh oath and saith [or make oath and say, or, in the case of affirmations, do or doth solemnly affirm and declare], that he [she or they] hath [or have] made diligent search and due inquiry after and in respect of the personal estate and effects of the said deceased in order to ascertain the full amount and value thereof, and that to the best of his [her or their] knowledge, information, and belief the whole of the goods and chattels, rights and credits, of which the said deceased died possessed (including any personal estate and effects which the deceased had disposed of under his will aforesaid under any authority enabling him to dispose of the same as he should think fit) consisted of the property, moneys, securities, matters, and things specified in the account annexed to this affidavit, and are under the value of \_\_\_\_\_ pounds, exclusive of what the deceased may have been possessed of or entitled to as a trustee for any other person or persons, and not beneficially, and without deducting anything on account of the debts due and owing from the deceased, except in respect of leaseholds in mortgage, and further that the particulars of the debts so



15. Report of the judge as to corrupt practices.
16. Report of judge equivalent to report of election committee.
17. Evidence of corrupt practices how received.
18. Acceptance of office not to stop petition.
19. Prorogation of Parliament.

*Proceedings.*

20. Form of petition.
21. Service of petition.
22. Joint respondents to petition.
23. Provision in cases where more than one petition is presented.
24. Shorthand writer to attend trial of election petition.

*Jurisdiction and Rules of Court.*

25. Rules to be made by court.
26. Practice of House of Commons to be observed.
27. Performance of duties by prescribed officer.

*Reception, Expenses, and Jurisdiction of Judge.*

28. Reception of judge.
29. Power of judge.
30. Attendance on judge.

*Witnesses.*

31. Summons of witnesses.
32. Judge may summon and examine witnesses.
33. Indemnity to witnesses.
34. Expenses of witnesses.

*Withdrawal and Abatement of Election Petitions.*

35. Withdrawal of petition and substitution of new petitioners.
36. Court to report to the Speaker circumstances of withdrawal.
37. Abatement of petition.
38. Admission in certain cases of voters to be respondents.
39. Respondent not opposing not to appear as party or to sit.
40. Provisions for cases of double return where the member complained of declines to defend his return.

*Costs.*

41. General costs of petition.
42. Recognisance when to be estreated, &c.

*Punishment of Corrupt Practices.*

43. Punishment of candidate guilty of bribery.
44. Penalty for employing corrupt agent.
45. Disqualification of persons found guilty of bribery.
46. Amendment of the law relating to the disqualification of candidates for corrupt practices.
47. Removal of disqualification on proof that disqualification was procured by perjury.

*Miscellaneous.*

48. Returning officer may be sued for neglecting to return any person duly elected.
49. Calculation of time.
50. Controverted elections to be tried under act.
51. Returning officer if complained of to be respondent.
52. Petition complaining of no return.
53. Recrimination when petition for undue return.
54. Repeal of acts.
55. Provision as to payment of additional judges and remuneration of judges for duties to be performed under this act.
56. Commissions of inquiry into corrupt practices.
57. Rules as to agents practising in cases of election petitions.
58. Application of act to Scotland.
59. Duration of act.  
Schedule.

## INTRODUCTION.

With the exception of some new penalties to which persons found guilty of bribery are to be subject, the alteration which the act makes, and the chief remedy it proposes against corrupt practices at parliamentary elections, is a new tribunal for the trial of election petitions. For the first time in its history, the House of Commons has consented to delegate to another authority the power of determining the correctness of the return of any of its members. This has been forced on the House by the difficulty (as proved after many ineffectual attempts) of forming an impartial and efficient tribunal on such a subject from out of its own members.

An election petition is now to be presented to and investigated by a common law court and common law judges. In England the court is to be the Court of Common Pleas, and the judges for the trial of any such petition are to be the puisne judges, one to be chosen from each of the Courts of Queen's Bench, Common Pleas, and Exchequer, each of which has been increased by the appointment of an additional judge. The judge so chosen is to try the election petition in open court without a jury, in the borough or county, as the case may be, to which the petition relates; so that the matter will be investigated on the spot where it occurred, and where, of course, the witnesses generally reside; and, as the judge is to have the power—given by 26 & 27 Vict. c. 29, s. 7—of indemnifying witnesses against the consequences of their making admissions which

might otherwise subject them to a prosecution, there is every probability of the truth being elicited, whether bribery, treating, or undue influence was practised or not at the election, although it may not be traced to the candidates or their agents.

The judge is to certify to the Speaker his determination on the matter, whether the member, whose return or election was complained of, was duly returned or elected, or whether the election was void, and such determination is to be final. The judge, however, may reserve for the consideration of the Court of Common Pleas any question of law as to the admissibility of evidence or otherwise.

If the election petition charges corrupt practice at the election, the judge is to report to the Speaker whether such practice was committed or not with the knowledge of any candidate, and the names of those proved guilty of it, and whether there is reason to believe that such practice extensively prevailed at the election. The form of the petition and the procedure generally are to be according to rules which are to be framed by the judges, and therefore nothing certain can be known upon these points until such rules have been published.

#### THE STATUTE.

*An Act for amending the Laws relating to Election Petitions, and providing more effectually for the Prevention of Corrupt Practices at Parliamentary Elections.*—[31st July, 1868.]

Whereas it is expedient to amend the laws relating to election petitions, and to provide more effectually for the prevention of corrupt practices at parliamentary elections: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

#### *Preliminary.*

Sect. 1. *Short title of act.*—This act may be cited for all purposes as "The Parliamentary Elections Act, 1868."

2. *Definition and jurisdiction of court.*—The expression "the court" shall, for the purposes of this act, in its application to England mean the Court of Common Pleas at Westminster, and in its application to Ireland the Court of Common Pleas at Dublin, and such court shall, subject to the provisions of this



act, have the same powers, jurisdiction, and authority with reference to an election petition and the proceedings thereon as it would have if such petition were an ordinary cause within their jurisdiction.

3. *Interpretation of terms*—"metropolitan district," "election," "county," "borough," "candidate," "corrupt practices," "rules of court," "prescribed."—The following terms shall in this act have the meanings hereinafter assigned to them, unless there is something in the context repugnant to such construction; (that is to say,)

"Metropolitan district" shall mean the City of London and the liberties thereof, and any parish or place subject to the jurisdiction of the Metropolitan Board of Works:

"Election" shall mean an election of a member or members to serve in Parliament:

"County" shall not include a county of a city or county of a town, but shall mean any county, riding, parts, or division of a county returning a member or members to serve in Parliament:

"Borough" shall mean any borough, university, city, place, or combination of places, not being a county as hereinbefore defined, returning a member or members to serve in Parliament:

"Candidate" shall mean any person elected to serve in Parliament at an election, and any person who has been nominated as or declared himself a candidate at an election:

"Corrupt practices" or "corrupt practice" shall mean bribery, treating, and undue influence, or any of such offences, as defined by act of Parliament,<sup>(1)</sup> or recognised by the common law of Parliament:

"Rules of court" shall mean rules to be made as hereinafter mentioned:

"Prescribed" shall mean "prescribed by the rules of court."

4. *Provision as to Speaker*.—For the purposes of this act "Speaker" shall be deemed to include Deputy Speaker; and when the office of Speaker is vacant, the Clerk of the House of Commons, or any other officer for the time being performing

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(<sup>1</sup>) These are defined by 17 & 18 Vict. c. 102, ss. 2, 4, and 5.

the duties of the Clerk of the House of Commons, shall be deemed to be substituted for and to be included in the expression "the Speaker."

*Presentation and Service of Petition.*

*5. To whom and by whom election petition may be presented.—*

From and after the next dissolution of Parliament a petition complaining of an undue return or undue election of a member to serve in Parliament for a county or borough may be presented to the Court of Common Pleas at Westminster, if such county or borough is situate in England, or to the Court of Common Pleas at Dublin, if such county or borough is situate in Ireland, by any one or more of the following persons :

1. Some person who voted or who had a right to vote at the election to which the petition relates ; or,
2. Some person claiming to have had a right to be returned or elected at such election ; or,
3. Some person alleging himself to have been a candidate at such election :

And such petition is hereinafter referred to as an election petition.

*6. Regulations as to presentation of election petition.—*The following enactments shall be made with respect to the presentation of an election petition under this act :

1. The petition shall be signed by the petitioner, or all the petitioners if more than one :
2. The petition shall be presented within twenty-one days after the return has been made to the Clerk of the Crown in Chancery in England, or to the Clerk of the Crown and Hanaper in Ireland, as the case may be, of the member to whose election the petition relates, unless it question the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other reward to have been made by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within twenty-eight days after the date of such payment :
3. Presentation of a petition shall be made by delivering it to

the prescribed officer<sup>(2)</sup> or otherwise dealing with the same in manner prescribed :

4. At the time of the presentation of the petition, or within three days afterwards, security for the payment of all costs, charges, and expenses that may become payable by the petitioner—

(a.) to any person summoned as a witness on his behalf, or,

(b.) to the member whose election or return is complained of (who is hereinafter referred to as the respondent),

shall be given on behalf of the petitioner :

5. The security shall be to an amount of one thousand pounds ; it shall be given either by recognisance to be entered into by any number of sureties not exceeding four, or by a deposit of money in manner prescribed, or partly in one way and partly in the other.

7. *Copy of petition after presentation to be sent to returning officer.*—On presentation of the petition the prescribed officer shall send a copy thereof to the returning officer of the county or borough to which the petition relates, who shall forthwith publish the same in the county or borough, as the case may be.

8. *Recognisance may be objected to.*—Notice of the presentation of a petition under this act, and of the nature of the proposed security, accompanied with a copy of the petition, shall, within the prescribed time, not exceeding five days after the presentation of the petition, be served by the petitioner on the respondent ; and it shall be lawful for the respondent, where the security is given wholly or partially by recognisance, within a further prescribed time, not exceeding five days from the date of the service on him of the notice, to object in writing to such recognisance, on the ground that the sureties, or any of them, are insufficient, or that a surety is dead, or that he cannot be found or ascertained from the want of a sufficient description in the recognisance, or that a person named in the recognisance has not duly acknowledged the same.

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<sup>(2)</sup> Master of Court of Common Pleas in England or Ireland, or Clerk of Court of Session in Scotland : (see *post*, sects. 27 and 58.)

9. *Determination of objection to recognisance.*—Any objection made to the security given shall be heard and decided on in the prescribed manner. If an objection to the security is allowed it shall be lawful for the petitioner, within a further prescribed time, not exceeding five days, to remove such objection, by a deposit in the prescribed manner of such sum of money as may be deemed by the court or officer having cognisance of the matter to make the security sufficient.

If on objection made the security is decided to be insufficient, and such objection is not removed in manner hereinbefore mentioned, no further proceedings shall be had on the petition; otherwise, on the expiration of the time limited for making objections, or after objection made, on the sufficiency of the security being established, the petition shall be deemed to be at issue.

10. *List of petitions at issue to be made.*—The prescribed officer shall, as soon as may be, make out a list of all petitions under this act presented to the court of which he is such officer, and which are at issue, placing them in the order in which they were presented, and shall keep at his office a copy of such list, hereinafter referred to as the election list, open to the inspection in the prescribed manner of any person making application.

Such petitions, as far as conveniently may be, shall be tried in the order in which they stand in such list.

### *Trial of a Petition.*

11. *Mode of trial of election petitions.*—The following enactments shall be made with respect to the trial of election petitions under this act:

1. The trial of every election petition shall be conducted before a puisne judge of one of Her Majesty's Superior Courts of common law at Westminster or Dublin, according as the same shall have been presented to the court at Westminster or Dublin, to be selected from a rota to be formed as hereinafter mentioned.
2. The members of each of the Courts of Queen's Bench, Common Pleas, and Exchequer in England and Ireland shall respectively, on or before the third day of Michaelmas Term in every year, select, by a majority of votes, one of the puisne judges of such court, not being a

- member of the House of Lords, to be placed on the rota for the trial of election petitions during the ensuing year.
3. If in any case the members of the said court are equally divided in their choice of a puisne judge to be placed on the rota, the chief justice of such court (including under that expression the Chief Baron of the Exchequer) shall have a second or casting vote.
  4. Any judge placed on the rota shall be re-eligible in the succeeding or any subsequent year.
  5. In the event of the death or the illness of any judge for the time being on the rota, or his inability to act for any reasonable cause, the court to which he belongs shall fill up the vacancy by placing on the rota another puisne judge of the same court.
  6. The judges for the time being on the rota shall, according to their seniority, respectively try the election petitions standing for trial under this act, unless they otherwise agree among themselves, in which case the trial of each election petition shall be taken in manner provided by such agreement.
  7. Where it appears to the judges on the rota, after due consideration of the list of petitions under this act for the time being at issue, that the trial of such election petitions will be inconveniently delayed unless an additional judge or judges be appointed to assist the judges on the rota, each of the said courts (that is to say), the Court of Exchequer, the Court of Common Pleas, and Court of Queen's Bench, in the order named, shall, on and according to the requisition of such judges on the rota, select, in manner hereinbefore provided, one of the puisne judges of the court to try election petitions for the ensuing year; and any judge so selected shall, during that year, be deemed to be on the rota for the trial of election petitions:
  8. Her Majesty may, in manner heretofore in use, appoint an additional puisne judge to each of the Courts of Queen's Bench, the Common Pleas, and the Exchequer in England:
  9. Every election petition shall, except where it raises a question of law for the determination of the court, as

hereinafter mentioned, be tried by one of the judges hereinbefore in that behalf mentioned, hereinafter referred to as the judge sitting in open court without a jury.

10. Notice of the time and place at which an election petition will be tried shall be given, not less than fourteen days before the day on which the trial is held, in the prescribed manner.
11. The trial of an election petition in the case of a petition relating to a borough election shall take place in the borough, and in the case of a petition relating to a county election in the county: Provided always, that if it shall appear to the court that special circumstances exist which render it desirable that the petition should be tried elsewhere than in the borough or county, it shall be lawful for the court to appoint such other place for the trial as shall appear most convenient: Provided also, that in the case of a petition relating to any of the boroughs within the metropolitan district, the petition may be heard at such place within the district as the court may appoint.
12. The judge presiding at the trial may adjourn the same from time to time and from any one place to any other place within the county or borough, as to him may seem expedient.
13. At the conclusion of the trial the judge who tried the petition shall determine whether the member whose return or election is complained of, or any and what other person, was duly returned or elected, or whether the election was void, and shall forthwith certify in writing such determination to the Speaker, and upon such certificate being given such determination shall be final to all intents and purposes.
14. Where any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the judge shall, in addition to such certificate, and at the same time, report in writing to the Speaker as follows:
  - (a.) Whether any corrupt practice has or has not been proved to have been committed by or with the

knowledge and consent of any candidate at such election, and the nature of such corrupt practice :

- (b.) The names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt practice :
- (c.) Whether corrupt practices have, or whether there is reason to believe that corrupt practices have, extensively prevailed at the election to which the petition relates.

15. The judge may at the same time make a special report to the Speaker as to any matters arising in the course of the trial an account of which in his judgment ought to be submitted to the House of Commons.

16. Where, upon the application of any party to a petition made in the prescribed manner to the court, it appears to the court that the case raised by the petition can be conveniently stated as a special case, the court may direct the same to be stated accordingly, and any such special case shall, as far as may be, be heard before the court, and the decision of the court shall be final ; and the court shall certify to the Speaker its determination in reference to such special case.

12. *Applications to the court respecting trials.*—Provided always, that if it shall appear to the judge on the trial of the said petition that any question or questions of law as to the admissibility of evidence or otherwise require further consideration by the Court of Common Pleas, then it shall be lawful for the said judge to postpone the granting of the said certificate until the determination of such question or questions by the court, and for this purpose to reserve any such question or questions in like manner as questions are usually reserved by a judge on a trial at Nisi Prius.

13. *House of Commons to carry out report.*—The House of Commons, on being informed by the Speaker of such certificate and report or reports, if any, shall order the same to be entered in their journals, and shall give the necessary directions for confirming or altering the return, or for issuing a writ for a new election, or for carrying the determination into execution, as circumstances may require.

14. *House of Commons may make order on special report.*—Where the judge makes a special report the House of Commons may make such order in respect of such special report as they think proper.

15. *Report of the judge as to corrupt practices.*—If the judge states in his report on the trial of an election petition under this act that corrupt practices have, or that there is reason to believe that corrupt practices have, extensively prevailed in any county or borough at the election to which the petition relates, such statement shall for all the purposes of the act of the session of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter fifty-seven, intituled “An Act to provide for more effectual Inquiry into the Existence of Corrupt Practices at Elections of Members to serve in Parliament,” have the same effect and may be dealt with in the same manner as if it were a report of a committee of the House of Commons appointed to try an election petition, and the expenses of any commission of inquiry which may be issued in accordance with the provisions of the said act shall be defrayed as if they were expenses incurred in the registration of voters for such county or borough.

16. *Report of judge equivalent to report of election committee.*—The report of the judge in respect of persons guilty of corrupt practices shall for the purpose of the prosecution of such persons in pursuance of section nine of the act of the twenty-sixth year of the reign of Her present Majesty, chapter twenty-nine, have the same effect as the report of the election committee therein mentioned that certain persons have been guilty of bribery and treating.

17. *Evidence of corrupt practices how received.*—On the trial of an election petition under this act, unless the judge otherwise directs, any charge of a corrupt practice may be gone into and evidence in relation thereto received before any proof has been given of agency on the part of any candidate in respect of such corrupt practice.

18. *Acceptance of office not to stop petition.*—The trial of an election petition under this act shall be proceeded with notwithstanding the acceptance by the respondent of an office of profit under the Crown.

¶ 19. *Prorogation of Parliament.*—The trial of an election petition under this act shall be proceeded with notwithstanding the prorogation of Parliament.



*Proceedings.*

20. *Form of petition.*—An election petition under this act shall be in such form and state such matters as may be prescribed.

21. *Service of petition.*—An election petition under this act shall be served as nearly as may be in the manner in which a writ or summons is served, or in such other manner as may be prescribed.

22. *Joint respondents to petition.*—Two or more candidates may be made respondents to the same petition, and their case may for the sake of convenience be tried at the same time, but for all the purposes of this act such petition shall be deemed to be a separate petition against each respondent.

23. *Provision in cases where more than one petition is presented.* Where, under this act, more petitions than one are presented relating to the same election or return, all such petitions shall in the election list be bracketed together, and shall be dealt with as one petition, but such petitions shall stand in the election list in the place where the last of such petitions would have stood if it had been the only petition presented, unless the court shall otherwise direct.

24. *Shorthand writer to attend trial of election petition.*—On the trial of an election petition under this act the shorthand writer of the House of Commons or his deputy shall attend and shall be sworn by the judge faithfully and truly to take down the evidence given at the trial, and from time to time as occasion requires to write or cause the same to be written in words at length; and it shall be the duty of such shorthand writer to take down such evidence, and from time to time to write or cause the same to be written at length, and a copy of such evidence shall accompany the certificate made by the judge to the Speaker; and the expenses of the shorthand writer shall be deemed to be part of the expenses incurred in receiving the judge.

*Jurisdiction and Rules of Court.*

25. *Rules to be made by court.*—The judges for the time being on the rota for the trial of election petitions in England and Ireland may respectively from time to time make, and may from time to time revoke and alter, general rules and orders (in this act referred to as the rules of court), for the effectual execution of this act, and of the intention and object thereof, and

the regulation of the practice, procedure, and costs of election petitions, and the trial thereof, and the certifying and reporting thereon.

Any general rules and orders made as aforesaid shall be deemed to be within the powers conferred by this act, and shall be of the same force as if they were enacted in the body of this act.

Any general rules and orders made in pursuance of this section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

26. *Practice of House of Commons to be observed.*—Until rules of court have been made in pursuance of this act, and so far as such rules do not extend, the principles, practice, and rules on which committees of the House of Commons have heretofore acted in dealing with election petitions shall be observed so far as may be by the court and judge in the case of election petitions under this act.

27. *Performance of duties by prescribed officer.*—The duties to be performed by the prescribed officer under this act shall be performed by such one or more of the Masters of the Court of Common Pleas at Westminster as may be determined by the Chief Justice of the said Court of Common Pleas, and by the Master of the Court of Common Pleas at Dublin, and there shall be awarded to such masters respectively, in addition to their existing salaries, such remuneration for the performance of the duties imposed on them in pursuance of this act as the Chief Justices of the said Courts of Common Pleas at Westminster and Dublin may respectively, with the consent of the Commissioners of the Treasury, determine.

*Reception, Expenses, and Jurisdiction of Judge.*

28. *Reception of judge.*—The judge shall be received at the place where he is about to try an election petition under this act with the same state, so far as circumstances admit, as a judge of assize is received at an assize town; he shall be received by the sheriff in the case of a petition relating to a county election, and in any other case by the mayor, in the case of a borough having a mayor, and in the case of a borough not having a

mayor by the sheriff of the county in which the borough is situate, or by some person named by such sheriff.

The travelling and other expenses of the judge, and all expenses, properly incurred by the sheriff or by such mayor or person named as aforesaid in receiving the judge and providing him with necessary accommodation and with a proper court, shall be defrayed by the Commissioners of the Treasury out of money to be provided by Parliament.

29. *Power of judge.*—On the trial of an election petition under this act the judge shall, subject to the provisions of this act, have the same powers, jurisdiction, and authority as a judge of one of the Superior Courts and as a judge of assize and *Nisi Prius*, and the court held by him shall be a court of record.

30. *Attendance on judge.*—The judge shall be attended on the trial of an election petition under this act in the same manner as if he were a judge sitting at *Nisi Prius*, and the expenses of such attendance shall be deemed to be part of the expenses of providing a court.

#### *Witnesses.*

31. *Summons of witnesses.*—Witnesses shall be subpoenaed and sworn in the same manner as nearly as circumstances admit as in a trial at *Nisi Prius*, and shall be subject to the same penalties for perjury.

32. *Judge may summon and examine witnesses.*—On the trial of an election petition under this act the judge may, by order under his hand, compel the attendance of any person as a witness who appears to him to have been concerned in the election to which the petition refers, and any person refusing to obey such order shall be guilty of contempt of court. The judge may examine any witness so compelled to attend or any person in court although such witness is not called and examined by any party to the petition. After the examination of a witness as aforesaid by a judge such witness may be cross-examined by or on behalf of the petitioner and respondent, or either of them.

33. *Indemnity to witnesses.*—The provisions of the seventh section of the act of the session of the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, chapter twenty-nine,<sup>(\*)</sup> relating to the examination and indemnity of

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(\*) See Pract. Stats, 1863, p. 68, and note thereon.

witnesses, shall apply to any witness appearing before a judge on the trial of an election petition under this act, in the same manner as in the case of a trial before a committee of the House of Commons before the passing of this act, and the certificate shall be given under the hand of the judge.

34. *Expenses of witnesses.*—The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition under this act, according to the scale allowed to witnesses on the trial of civil actions at the assizes, may be allowed to such person by a certificate under the hand of the judge or of the prescribed officer, and such expenses if the witness was called and examined by the judge shall be deemed part of the expenses of providing a court, and in other cases shall be deemed to be costs of the petition.

#### *Withdrawal and Abatement of Election Petitions.*

35. *Withdrawal of petition and substitution of new petitioners.*—An election petition under this act shall not be withdrawn without the leave of the court or judge upon special application, to be made in and at the prescribed manner, time, and place.

No such application shall be made for the withdrawal of a petition until the prescribed notice has been given in the county or borough to which the petition relates of the intention of the petitioner to make an application for the withdrawal of his petition.

On the hearing of the application for withdrawal any person who might have been a petitioner in respect of the election to which the petition relates may apply to the court or judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition.

The court or judge may, if it or he think fit, substitute as a petitioner any such applicant as aforesaid; and may further, if the proposed withdrawal is in the opinion of the court or judge induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in such security the original petitioner shall be liable to pay the costs of the substituted petitioner.

If no such order is made with respect to the security given on

behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within the prescribed time after the order of substitution.

Subject as aforesaid a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities as the original petitioner.

If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

Where there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

36. *Court to report to the Speaker circumstances of withdrawal.*—In every case of the withdrawal of an election petition under this act the court or judge shall report to the Speaker whether in its or his opinion the withdrawal of such petition was the result of any corrupt arrangement, or in consideration of the withdrawal of any other petition, and if so the circumstances attending the withdrawal.

37. *Abatement of petition.*—An election petition under this act shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

The abatement of a petition shall not affect the liability of the petitioner to the payment of costs previously incurred.

On the abatement of a petition the prescribed notice of such abatement having taken place shall be given in the county or borough to which the petition relates, and within the prescribed time after the notice is given, any person who might have been a petitioner in respect of the election to which the petition relates may apply to the court or judge, in and at the prescribed manner, time, and place, to be substituted as a petitioner.

The court or judge may, if it or he think fit, substitute as a petitioner any such applicant who is desirous of being substituted and on whose behalf security to the same amount is given as is required in the case of a new petition.

38. *Admission in certain cases of voters to be respondents.*—If before the trial of any election petition under this act any of the following events happen in the case of the respondent; (that is to say,)

- (1.) If he dies :
- (2.) If he is summoned to Parliament as a peer of Great Britain by a writ issued under the Great Seal of Great Britain :
- (3.) If the House of Commons have resolved that his seat is vacant :
- (4.) If he gives in and at the prescribed manner and time notice to the court that he does not intend to oppose the petition :

Notice of such event having taken place shall be given in the county or borough to which the petition relates, and within the prescribed time after the notice is given any person who might have been a petitioner in respect of the election to which the petition relates may apply to the court or judge to be admitted as a respondent to oppose the petition, and such person shall on such application be admitted accordingly, either with the respondent, if there be a respondent, or in place of the respondent : and any number of persons not exceeding three may be so admitted.

39. *Respondent not opposing not to appear as party or to sit.*—A respondent who has given the prescribed notice that he does not intend to oppose the petition shall not be allowed to appear or act as a party against such petition in any proceedings thereon, and shall not sit or vote in the House of Commons until the House of Commons has been informed of the report on the petition, and the court or judge shall in all cases in which such notice has been given in the prescribed time and manner report the same to the Speaker of the House of Commons.

40. *Provisions for cases of double return where the member complained of declines to defend his return.*—Where an election petition under this act complains of a double return and the respondent has given notice to the prescribed officer that it is not his intention to oppose the petition, and no party has been admitted in pursuance of this act to defend such return, then the petitioner if there be no petition complaining of the other member returned on such double return, may withdraw his petition by notice addressed to the prescribed officer, and upon the receipt of such notice the prescribed officer shall report the fact of the withdrawal of such petition to the Speaker, and the House of Commons shall thereupon give the necessary directions for amending the said

double return by taking off the file the indenture by which the respondent so declining to oppose the petition was returned, or otherwise as the case may require : Provided always, that this section shall not apply to Ireland.

*Costs.*

41. *General costs of petition.*—All costs, charges, and expenses of and incidental to the presentation of a petition under this act, and to the proceedings consequent thereon, with the exception of such costs, charges, and expenses as are by this act otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the court or judge may determine, regard being had to the disallowance of any costs, charges, or expenses which may, in the opinion of the court or judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioner or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or not on the whole successful.

The costs may be taxed in the prescribed manner but according to the same principles as costs between attorney and client are taxed in a suit in the High Court of Chancery, and such costs may be recovered in the same manner as the costs of an action at law, or in such other manner as may be prescribed.

42. *Recognisance, when to be estreated, &c.*—If any petitioner in an election petition presented under this act neglect or refuse for the space of six months after demand to pay to any person summoned as a witness on his behalf, or to the respondent any sum certified to be due to him for his costs, charges, and expenses, and if such neglect or refusal be, within one year after such demand, proved to the satisfaction of the court of elections, in every such case every person who has entered into a recognisance relating to such petition under the provisions of this act shall be held to have made default in his said recognisance, and the prescribed officer shall thereupon certify such recognisance to be forfeited, and the same shall be dealt with in England in manner provided by the act of the third year of the reign of King George the

Fourth, chapter forty-six, (4) and in Ireland in manner provided by "The Fines Act (Ireland), 1851."

*Punishment of Corrupt Practices.*

43. *Punishment of candidate guilty of bribery.*—Where it is found, by the report of the judge upon an election petition under this act, that bribery has been committed by or with the knowledge and consent of any candidate at an election, such candidate shall be deemed to have been personally guilty of bribery at such election, and his election, if he has been elected, shall be void, and he shall be incapable of being elected to and of sitting in the House of Commons during the seven years next after the date of his being found guilty; and he shall further be incapable during the said period of seven years—

- (1.) Of being registered as a voter and voting at any election in the United Kingdom; and
- (2.) Of holding any office under the act of the session of the fifth and sixth years of the reign of his Majesty King William the Fourth, chapter seventy-six, or of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, or any municipal office; and
- (3.) Of holding any judicial office, and of being appointed and of acting as a justice of the peace.

44. *Penalty for employing corrupt agent.*—If on the trial of any election petition under this act any candidate is proved to have personally engaged at the election to which such petition relates as a canvasser or agent for the management of the election, any person knowing that such person has within seven years previous to such engagement been found guilty of any corrupt practice by any competent legal tribunal, or been reported guilty of any corrupt practice by a committee of the House of Commons, or by the report of the judge upon an election petition under this act, or by the report of commissioners appointed in pursuance of the act

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(4) By sect. 2 of 3 Geo. 4, c. 46, the clerk of the peace is directed to copy on a roll a list *inter alia* of all forfeited recognisances, and to forward this roll to the sheriff, with a writ of *distringas* and *capias*, or *fieri facias* and *capias*, according to the form prescribed, who is thereupon to levy the same on the goods of the person named in the list, or to take such person into custody in case there should be no sufficient distress.



of the session of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter fifty-seven, the election of such candidate shall be void.

45. *Disqualification of persons found guilty of bribery.*—Any person, other than a candidate, found guilty of bribery in any proceeding in which after notice of the charge he has had an opportunity of being heard, shall, during the seven years next after the time at which he is so found guilty, be incapable of being elected to and sitting in Parliament; and also be incapable—

- (1.) Of being registered as a voter and voting at any election in the United Kingdom; and
- (2.) Of holding any office under the act of the session of the fifth and sixth years of the reign of his Majesty King William the Fourth, chapter seventy-six, or of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, or any municipal office; and
- (3.) Of holding any judicial office, and of being appointed and of acting as a justice of the peace.

46. *Amendment of the law relating to the disqualification of candidates for corrupt practices.*—For the purpose of disqualifying, in pursuance of the thirty-sixth section of “The Corrupt Practices Prevention Act, 1854,” a member guilty of corrupt practices, other than personal bribery within the forty-third section of this act, the report of the judge on the trial of an election petition shall be deemed to be substituted for the declaration of an election committee, and the said section shall be construed as if the words “reported by a judge on the trial of an election petition” were inserted therein in the place of the words “declared by an election committee.”<sup>(s)</sup>

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<sup>(s)</sup> By sect. 86 of “The Corrupt Practices Prevention Act, 1854” (17 & 18 Vict. c. 102), any candidate declared by an election committee guilty by himself or his agent of bribery, treating, or undue influence at such election, is to be incapable of being elected or sitting in Parliament for such county, city, &c., during the Parliament then in existence. The result is that, if the judge report bribery, or treating, or undue influence by the candidate’s agent, though done without the knowledge of the candidate, the latter is disqualified for representing that place during the then existing Parliament; but, if bribery is reported to have been committed with the knowledge and consent of the candidate, he is liable to the penalty inflicted by sect. 43.

47. *Removal of disqualification on proof that disqualification was procured by perjury.*—If at any time after any person has become disqualified by virtue of this act, the witnesses, or any of them, on whose testimony such person shall have so become disqualified, shall, upon the prosecution of such person, be convicted of perjury in respect of such testimony, it shall be lawful for such person to move the court to order, and the court shall, upon being satisfied that such disqualification was procured by reason of perjury, order, that such disqualification shall thenceforth cease and determine, and the same shall cease and determine accordingly.

*Miscellaneous.*

48. *Returning officer may be sued for neglecting to return any person duly elected.*—If any returning officer wilfully delays, neglects, or refuses duly to return any person who ought to be returned to serve in Parliament for any county or borough, such person may, in case it has been determined on the hearing of an election petition under this act that such person was entitled to have been returned, sue the officer having so wilfully delayed, neglected, or refused duly to make such return at his election in any of Her Majesty's Courts of Record at Westminster, and shall recover double the damages he has sustained by reason thereof, together with full costs of suit; provided such action be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial relating to such election. •

49. *Calculation of time.*—In reckoning time for the purposes of this act, Sunday, Christmas Day and Good Friday, and any day set apart for a public fast or public thanksgiving shall be excluded.

50. *Controverted elections to be tried under act.*—From and after the next dissolution of Parliament no election or return to Parliament shall be questioned except in accordance with the provisions of this act, but until such dissolution, elections and returns to Parliament may be questioned in manner heretofore in use.

51. *Returning officer if complained of to be respondent.*—Where an election petition under this act complains of the conduct of a returning officer, such returning officer shall for all the purposes

of this act, except the admission of respondents in his place, be deemed to be a respondent.

52. *Petition complaining of no return.*—A petition under this act complaining of no return may be presented to the court, and shall be deemed to be an election petition within the meaning of this act, and the court may make such order thereon as they think expedient for compelling a return to be made, or may allow such petition to be heard by the judge in manner hereinbefore provided with respect to ordinary election petitions.

53. *Recrimination when petition for undue return.*—On the trial of a petition under this act complaining of an undue return and claiming the seat for some person, the respondent may give evidence to prove that the election of such person was undue in the same manner as if he had presented a petition complaining of such election.

54. *Repeal of acts.*—From and after the next dissolution of Parliament the acts contained in the schedule hereto are repealed so far as relates to elections and petitions to the extent therein mentioned; provided that such repeal shall not affect the validity or invalidity of anything already done or suffered, or any offence already committed, or any remedy or proceeding in respect thereof, or the proof of any past act or thing.

55. *Provision as to payment of additional judges and remuneration of judges for duties to be performed under this act.*—The additional puisne judges appointed under this act to each of the Courts of Queen's Bench, the Common Pleas, and the Exchequer in England shall, as to rank, salary, pension, attendant officers, jurisdiction, and all other privileges and duties of a judge, stand in the same position as the other puisne judges of the court to which he is attached.

Any puisne judge of the said courts appointed in pursuance of or after the passing of this act shall be authorised to sit, and shall, when requested by the Lord Chancellor, sit as judge of the Court of Probate and Court of Marriage and Divorce or of the Admiralty Court.

56. *Commissions of inquiry into corrupt practices.*—If upon a petition to the House of Commons, presented within twenty-one days after the return to the Clerk of the Crown in Chancery in England, or to the Clerk of the Crown and Hanaper in Ireland, of a member to serve in Parliament for any borough or county,

or within fourteen days after the meeting of Parliament, and signed by any two or more electors of such borough or county, and alleging that corrupt practices have extensively prevailed at the then last election for such borough or county, or that there is reason to believe that corrupt practices have there so prevailed, an address be presented by both Houses of Parliament, praying that such allegation may be inquired into, the Crown may appoint commissioners to inquire into the same, and if such commissioners in such case be appointed, they shall inquire in the same manner and with the same powers and subject to all the provisions of the statute of the fifteenth and sixteenth of Victoria, chapter fifty-seven.

57. *Rules as to agents practising in cases of election petitions.*—Any person who at the time of the passing of this act was entitled to practise as agent, according to the principles, practice, and rules of the House of Commons, in cases of election petitions and matters relating to election of members of the House of Commons, shall be entitled to practise as an attorney or agent in cases of election petitions and all matters relating to elections before the court and judges prescribed by this act: Provided, that every such person so practising as aforesaid shall, in respect of such practice and everything relating thereto, be subject to the jurisdiction and orders of the court as if he were an attorney of the said court: and further, provided, that no such person shall practise as aforesaid until his name shall have been entered on a roll to be made and kept, and which is hereby authorised to be made and kept, by the prescribed officer in the prescribed manner.

58. *Application of act to Scotland.*—The provisions of this act shall apply to Scotland, subject to the following modifications:

- (1.) The expression "the court" shall mean either division of the inner house of the Court of Session, and either of such divisions shall have the same powers, jurisdiction, and authority with reference to an election petition in Scotland, and the proceedings thereon, which by this act are conferred on the Court of Common Pleas at Westminster with respect to election petitions in England:
- (2.) The expression "county" shall not include a county of a city, but shall mean any county or division of a

county, or any combination of counties, or of counties and portions of counties, returning a member to serve in Parliament :

- (3.) The expression "borough" shall mean any university or universities, or any city, town, burgh, or district of cities, towns, or burghs, returning a member or members to serve in Parliament :
- (4.) "Recognisance" shall mean a bond of caution with usual and necessary clauses :
- (5.) The trial of every election petition in Scotland shall be conducted before a judge of the Court of Session, to be selected from a rota to be formed as hereinafter mentioned :
- (6.) The judges of the Court of Session shall, on or before the first day of the winter session in every year, select, by a majority of votes, two of the judges of such court, not being members of the House of Lords, to be placed on the rota for the trial of election petitions during the ensuing year :
- (7.) If in any case the judges of the said court are equally divided in their choice of a judge to be placed on the rota, the Lord President shall have a second or casting vote :
- (8.) Any judge placed on the rota shall be re-eligible in the succeeding or any subsequent year :
- (9.) In the event of the death or illness of any judge for the time being on the rota, or his inability to act for any reasonable cause, the judges shall fill up the vacancy by placing on the rota another judge :
- (10.) The judges for the time being on the rota shall, according to their seniority, respectively try the election petitions standing for trial under this act, unless they otherwise agree among themselves, in which case the trial of each election petition shall be taken in manner provided by such agreement :
- (11.) Where it appears to the judges on the rota, after due consideration of the lists of petitions under this act for the time being at issue, that the trial of such election petitions will be inconveniently delayed unless an additional judge or judges be appointed to assist the judges on the rota,

the judges of the Court of Session shall, on and according to the requisition of such judges on the rota, select in manner hereinbefore provided, a judge to try election petitions for the ensuing year; and any judge so selected shall during the year be deemed to be on the rota for the trial of election petitions:

- (12.) The duties to be performed by the prescribed officer under this act with reference to election petitions in Scotland shall be performed by such one or more of the principal clerks of sessions as may be determined by the Lord President of the Court of Session; and there shall be awarded to such principal clerk or clerks, in addition to their existing salaries, such remuneration for the performance of the duties imposed on them in pursuance of this act as the said Lord President may, with the consent of the Commissioners of the Treasury, determine:
- (13.) The judge shall be received at the place where he is about to try an election petition under this act in the same manner and by the same authorities, as far as circumstances admit, as a judge of the court of justiciary is received at a circuit town, and he shall be attended by such officer or officers as shall be necessary:
- (14.) The travelling and other expenses of the judge, and of the officer or officers in attendance upon him, and all expenses properly incurred in providing the judge with a proper court, shall be defrayed by the Commissioners of the Treasury out of money to be provided by Parliament:
- (15.) On the trial of an election petition under this act, the judge shall, subject to the provisions of this act, have the same powers, jurisdictions, and authority as a judge of the Court of Session presiding at the trial of a civil cause without a jury:
- (16.) The principles of taxation of costs as between attorney and client in a suit in the High Court of Chancery shall in Scotland mean the principles of taxation of expenses as between agent and client in the Court of Session:
- (17.) Any of Her Majesty's Courts of Record at Westminster shall in Scotland mean the Court of Session in Scotland:

- (18.) In lieu of the provisions for the estreating of a recognisance under an election petition, the prescribed officer shall, when otherwise competent under the provisions of this act, certify that the conditions contained in the bond of caution have not been fulfilled, and it shall then be competent for the party or parties interested to register the said bond, and do diligence upon it as accords of law.

59. *Duration of act.*—This act shall be in force until the expiration of three years from the passing of such act, and to the end of the then next session of Parliament.

### SCHEDULE.

Date of Act.	Title of Act.	Extent of Repeal.
4 & 5 Vict. c. 57...	An Act for the Prevention of Bribery at Elections.	The whole Act.
5 & 6 Vict. c. 102	An Act for the better Discovery and Prevention of Bribery and Treating at the Election of Members of Parliament.	The whole Act.
11 & 12 Vict. c. 98	An Act to amend the Law for the Trial of Election Petitions.	The whole Act.
26 Vict. c. 29 ...	An Act to amend and continue the Law relating to Corrupt Practices at Elections of Members of Parliament.	Section 8.
28 Vict. c. 8 ...	An Act to amend "The Election Petitions Act, 1848," in certain Particulars.	The whole Act.

### 31 & 32 VICT. CAP. 126.

*An Act to enable Her Majesty the Queen to carry into Effect a Convention made between Her Majesty and other Powers relative to a Loan for the Completion of Works for the Improvement of the Navigation of the Danube.*—[31st July, 1868.]

## 31 &amp; 32 VICT. CAP. 127.

*An Act to prevent the Removal of the Tower of the Church of Saint Mary Somerset, in the City of London, and for vesting the said Tower and the Site thereof, and a Portion of the Burial Ground attached to the said Church, in the Corporation of the said City.*—[31st July, 1868.]

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## 31 &amp; 32 VICT. CAP. 128.

*An Act to extend the Provisions of the Act Twenty-eighth and Twenty-ninth Victoria, Chapter One Hundred and Thirteen, to Persons who have held the Office of Lord High Commissioner of the Ionian Islands.*—[31st July, 1868.]

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## COLONIAL SHIPPING ACT.

## 31 &amp; 32 Vict. CAP. 129.

## Sect.

## SUMMARY.

1. Grant of terminable certificates of registry, subject to conditions in colonies.
2. Ship to be deemed registered.
3. Governors abroad may appoint surveyors.
4. Construction of act.
5. Short title.

## THE STATUTE.

*An Act to amend the Law relating to the Registration of Ships in British Possessions.*—[31st July, 1868.]

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sect. 1. *Grant of terminable certificates of registry, subject to conditions in colonies.*—The governor or officer lawfully administering the government of any British possession may from time to time, with the approval of one of Her Majesty's principal Secretaries of State, make regulations providing that on an application for registration under "The Merchant Shipping Act, 1854," in that possession of any ship not exceeding sixty tons burden, the registrar may grant, in lieu of a certificate of



registry as required by that act, a certificate of registry to be terminable at the end of six months from the granting thereof, or of any longer period; and all certificates of registry granted under any such regulations shall be in such form and shall have effect subject to such conditions as the regulations prescribe.

2. *Ship to be deemed registered.*—Notwithstanding anything in “The Merchant Shipping Act, 1854,” or in any other act, any ship to which a certificate is granted under any such regulations shall, while such certificate is in force, and in relation to all things done or omitted during that period, be deemed a registered British ship.

3. *Governors abroad may appoint surveyors.*—The governor of any British possession abroad may from time to time appoint fit and proper persons to be surveyors, who shall have and exercise within such possession all the powers with respect to the inspection of crew spaces that are conferred upon the Board of Trade surveyors in the United Kingdom by section nine of “The Merchant Shipping Act, 1867.”

4. *Construction of act.*—This act shall be read as one act with “The Merchant Shipping Act, 1854,” and the acts amending the same.

5. *Short title.*—This act may be cited as “The Colonial Shipping Act, 1868.”

## ARTIZANS AND LABOURERS DWELLINGS ACT.

31 & 32 VICT. CAP. 130.

Sect.

### SUMMARY.

Preamble.

1. Short title.
2. Application of act, and definition of “local authority,” “local rate,” and “clerk of local authority.”
3. Interpretation of terms—“Street” and “square;” “premises;” “owner;” person; “quarter sessions;” “officer of health;” “local officer,” &c.; “the metropolis;” borough in England; “burgh in Scotland;” “borough in Ireland.”
4. As to appointment of officers of health and payment of salaries.
5. Officer of health to report as to condition of streets.
6. Officer of health to deliver copies of report to clerk of local authority, who shall refer the same to a surveyor, &c.

7. Local authority to cause copies of reports to be given to owner, who may object to the same, and to prepare plan and specification of required works.
8. Clerk of local authority to give notice to owner of plan, &c., of required works having been prepared.
9. Persons aggrieved by order of local authority may appeal against the same.
10. Owner may appeal where decision of local authority is against him.
11. Where local authority decide in favour of owner, reports and notices to be sent to parties liable.
12. On representation by householders that disease exists in any house, officer of health to inspect and report.
13. If local authority neglect to enforce act, Secretary of State may compel it to proceed.
14. Owner to signify to clerk of local authority whether he is willing to execute specified works.
15. Service of notice on owner whose name and residence are known.
16. Service of notice on owner whose name or residence is not known.
17. Notices to be signed by the local authority.
18. Local authority to require owners to execute works as in specification—Proceedings of local authority in case owners neglect.
19. Provision in case local authority themselves execute the works.
20. Local authority to pay compensation when total demolition required.
21. Determination of tenancies.
22. Remedies of owner for breach of covenant, &c., not to be prejudiced.
23. Owner instead of effecting improvements may take down premises.
24. Application may be made to justices where more than one owner of premises included in order under act, and any one owner neglects to comply with such order.
25. Grant of annuity to owner on completion of works.
26. Incidence of charge.
27. Charges recoverable as rentcharges in lieu of tithes.
28. An order to be evidence of compliance with act.
29. Registry of charging order on premises in Middlesex and Yorkshire.
30. Assignment of charge.
31. As to expenses of local authority.
32. Power to Public Works Loan Commissioners to advance moneys to local authority.
33. Service of notice on the local authority.
34. Notices served by local authority to be signed by the clerk.
35. Penalty for obstructing officer of health, &c., in execution of act.

36. Penalty for preventing execution of act.
37. Appearance of local authority.
38. Recovery of penalties.
39. Application of act to Scotland.
40. Application of act to Ireland.
41. Jurisdiction of certain magistrates.  
Schedules.

#### THE STATUTE.

*An Act to provide better Dwellings for Artizans and Labourers.—*  
[31st July, 1868.]

Whereas it is expedient to make provision for taking down or improving dwellings occupied by working men and their families which are unfit for human habitation, and for the building and maintenance of better dwellings for such persons instead thereof: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled and by the authority of the same, as follows:

1. *Short title.*—In citing this act it shall be sufficient to use the words "The Artizans and Labourers Dwellings Act, 1868."

2. *Application of act, and definition of "local authority," "local rate," and "clerk of local authority."*—This act shall apply only to the places named in the first column of table (A.) in the first schedule annexed hereto; and "local authority," "local rate," and "clerk of local authority" shall mean "the bodies of persons," "rate," and "officer" in that table in that behalf mentioned; and the said table shall be of the same force as if it were enacted in the body of this act: Provided always, that this act shall not apply to any city, borough, town, or place that would otherwise be included within the said table, the population whereof does not according to the census for the time being in force amount to the number of ten thousand persons.

3. *Interpretation of terms*—"street" and "square;" "premises;" "owner;" "person;" "quarter sessions;" "officer of health;" "local officer, &c.;" "the metropolis;" "borough in England;" "burgh in Scotland;" "borough in Ireland."—The following words and expressions have in this act the following meanings, unless excluded by the subject or context; (that is to say,)

The word "street" includes any court, alley, street, square, or row of houses :

The word "premises" means any dwelling-house or inhabited building, and the site thereof, with the yard, garden, out-houses, and appurtenances belonging thereto or usually enjoyed therewith :

The expression "owner," in addition to the definition given by "The Lands Clauses Act," shall include all lessees or mortgagees of any premises required to be dealt with under this act, except persons holding or entitled to the rents and profits of such premises for a term of years, of which twenty-one years do not remain unexpired :

"Person" shall include a body of persons, corporate or unincorporate :

"Quarter Sessions" shall include general sessions, and in Ireland shall mean, in towns and boroughs where there are separate quarter sessions, the quarter sessions of said boroughs and towns, and in boroughs where there are no separate quarter sessions, the quarter sessions of the divisions of the courts in which such towns or boroughs shall be situate :

"Officer of health" shall mean and include medical officer of health, sanitary inspector, or any statutory officer performing the duties which a medical officer or sanitary inspector performs under or by virtue of any act of Parliament :

In all cases in which the name of a local authority, local court, magistrate, or officer having any local jurisdiction in respect of their or his office is referred to, without mention of the locality to which the jurisdiction extends, such reference is to be understood to indicate the local authority, local court, magistrate, or officer having jurisdiction in that place within which are situate the premises or other subject matter or any part thereof to which such reference applies :

"The metropolis" shall not include the City of London or the liberties thereof, but shall include all other parishes or places within the jurisdiction of the Metropolitan Board of Works :

"Borough" in England shall mean any place for the time being subject to the act passed in the session holden in the

fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales:"

"Burgh" in Scotland shall mean any place returning or contributing to return members to Parliament, or any place subject to the jurisdiction of a town council :

"Borough" in Ireland shall mean any place for the time being subject to the act passed in the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, and intituled "An Act for the Regulation of Municipal Corporations in Ireland."

4. *As to appointment of officers of health and payment of salaries.*

—If in any place to which this act applies there is no officer of health within the meaning of this act, the local authority, with the approval of one of Her Majesty's principal Secretaries of State, shall forthwith appoint such an officer for such period as shall be necessary, shall assign him his duties, and pay him such salary or emolument out of the local rate as they, with such approval as aforesaid, shall think fit. The local authority, with the like approval, may from time to time remove any officer appointed under this section, and in manner aforesaid appoint another officer in his place.

5. *Officer of health to report as to condition of streets.*—If in any place to which this act applies the officer of health find that any premises therein are in a condition or state dangerous to health so as to be unfit for human habitation, he shall report the same in manner hereinafter provided to the local authority.

6. *Officer of health to deliver copies of report to clerk of local authority, who shall refer the same to a surveyor, &c.*—Every report made under this act by the officer of health shall be made in writing and delivered to the clerk of the local authority, and the local authority shall refer such report to a surveyor or engineer, who shall thereupon consider the report so furnished to him, and report to the local authority what is the cause of the evil so reported on, and the remedy thereof, and if such evil is occasioned by defects in any premises, whether the same can be remedied by structural alterations and improvements or otherwise, or whether such premises, or any and what part thereof, ought to be demolished.

7. *Local authority to cause copies of reports to be given to owner, who may object to the same, and to prepare plan and specification of required works.*—Upon receipt of the report of the surveyor and engineer the local authority shall cause copies of both the reports to be given to the owner, with notice of the time and place appointed by the local authority for the consideration thereof, and such owner shall be at liberty to attend and to state his objections (if any) to such reports, or either of them, including therein any objection that the necessary works ought to be done by or at the expense of some other person or persons, or at the expense of the parish or district in which the premises are situate; and on such objections the local authority shall make an order in writing, signed by the clerk of such local authority, which shall be subject to appeal in manner hereinafter mentioned; and if such objections are overruled, the local authority, if they deem it necessary, shall cause to be prepared a plan and specification of the works (if any), and an estimate of the cost of such works, required to be executed.

8. *Clerk of local authority to give notice to owner of plan, &c. of required works having been prepared.*—The clerk of the local authority shall thereupon forthwith give notice to the owner of the premises, informing him that a plan and specification and estimate of the cost of such works as are required in reference thereto have been prepared, and that such plan and specification and estimate may, if such owner think fit, be inspected and transcribed by him or his agent at the office of the clerk of the local authority without charge; and any such owner may at any time within three weeks after the receipt of such notice state in writing to the clerk of the local authority any objection which he may entertain to the said plan, specification, and estimate, or any of them, and may attend at a time and place to be appointed for such purpose by the local authority to support such objections; and the local authority shall thereupon make such order in relation thereto as they may think fit; and if they decide that any alteration is to be made in the said plan, specification, and estimate, the local authority shall cause such alteration to be made accordingly, and the plan and specification and estimate so amended shall be the plan and specification and estimate according to which the works shall be executed.

9. *Persons aggrieved by order of local authority may appeal*

*against the same.*—Any person aggrieved by any order of the local authority, or his agent, may appeal against the same to the Court of Quarter Sessions held next after the making of the said order, but the appellant shall not be heard in support of the appeal unless, within one calendar month after the making of the order appealed against, he give to the clerk of the local authority notice in writing stating his intention to appeal, together with a statement in writing of the grounds of appeal, and shall, within two days after giving such notice, enter into a recognisance before some justice of the peace, with sufficient securities, conditioned to try such appeal at the said court, and to abide the order of and pay such costs as may be awarded by the court or any adjournment thereof; and the court, upon the appearing of the parties, or upon their making default, shall have full power and jurisdiction to make such order and give such directions as under the circumstances shall seem just, and may, according to its discretion, award such costs to the party appealing or appealed against as they think proper, and the determination of the court in or concerning the premises shall be conclusive and binding on all persons to all intents or purposes whatsoever: Provided,—

First, that if there be not time to give such notice and enter into such recognisance as aforesaid, then such appeal may be made to, and such notice, statement, and recognisance be given and entered into for the next sessions at which the appeal can be heard:

Secondly, that on the hearing of the appeal no grounds of appeal shall be gone into or entertained other than those set forth in such statement as aforesaid:

Thirdly, that in any case of appeal the court shall, at the request of either party, state the facts specially for the determination, in England or Ireland, of Her Majesty's Court of Queen's Bench, or in Scotland of either division of the Court of Session, in which case it shall be lawful to remove the proceedings, by writ of *certiorari* or by petition, into the said Courts of Queen's Bench or to the Court of Session respectively:

Fourthly, that pending any appeal no work shall be done nor proceedings taken under any order until after the determination of such appeal, or it shall cease to be prosecuted.

10. *Owner may appeal where decision of local authority is against him.*—If the owner appeal from the decision of the local authority upon the objection that he is not responsible for the state and condition of his premises, he shall be bound to give notice of his appeal, and a statement in writing of the ground thereof, to the person or persons, or to the parish or district, alleged by him to be the occasion of his premises being in such a state or condition as to render them liable to be reported upon under the provisions of the act, and such person or persons, or parish or district, may appear before the court, and be heard against his or their alleged liability.

11. *Where local authority decide in favour of owner, reports and notices to be sent to parties liable.*—If the local authority shall decide in favour of the objection of the owner of the premises that some other person or persons, or that the parish or district in which the premises are situate, is or are responsible for the state and condition of his premises, the local authority shall forthwith send copies of the reports of the officer of health and of the surveyor or engineer to such person or persons, or to the officer of such parish or district, together with notice of his or their alleged liability, and shall appoint a time and place for hearing the parties so alleged to be liable, and give notice thereof to the said parties and also to the owner of the premises, and the local authority shall make such order thereupon as to them shall seem just, and the same shall be subject to appeal in manner aforesaid.

12. *On representation by householders that disease exists in any house, officer of health to inspect and report.*—If and whenever any four or more householders living in or near to any street by writing under their hands represent to the officer of health that in or near that street any premises are in a condition or state dangerous to health so as to be unfit for human habitation, he shall forthwith inspect the premises, and report thereon; but the absence of any such representation shall not excuse him from inspecting any premises, and reporting thereon.

13. *If local authority neglect to enforce act, Secretary of State may compel it to proceed.*—In the event of the local authority declining or neglecting for the space of three calendar months after receiving such report to take any proceedings to put this act in force, the householders who signed such representation



may address a memorial to the Secretary of State stating the circumstances, and asking that an inquiry be made, and upon receipt of such memorial the said Secretary of State may direct the local authority to proceed under the provisions of the act, and such direction shall be binding on the local authority.

14. *Owner to signify to clerk of local authority whether he is willing to execute specified works.*—Within three calendar months after the service on the owner of the order by the clerk of the local authority, or, in the case of appeal, within one calendar month after the order of Quarter Sessions, or, in the event of a further appeal, within one calendar month after the order of the Court of Final Appeal, the persons so served with the order of the local authority shall each of them signify in writing to the clerk of the local authority whether he is willing to effect the works required to be executed; and where two or more persons shall so signify, the right of effecting the works shall be given first to the person whose ownership is first or earliest in title.

15. *Service of notice on owner whose name and residence are known.*—Where the owner of the premises and his residence or place of business are known to the local authority, it shall be the duty of the clerk of the local authority, if the owner be residing or have a place of business within the district of such local authority, to give any notice by this act required to be served on him to the owner, or for him, to some inmate of his place of residence or business within the place; and if he be not residing within such district, or has no place of business therein, then to send the notice by post in a registered letter addressed to the owner at his place of residence or business; provided that the notice served upon the agent of the owner shall be deemed notice to the owner.

16. *Service of notice on owner whose name or residence is not known.*—Where the owner of the premises or his residence or place of business is not known to, or after diligent inquiry cannot be found by the local authority, then the clerk of the local authority may serve the notice by leaving it, addressed to the owner, with some occupier of the premises, or if there be not an occupier, then by causing it to be put up on some conspicuous part of the premises.

17. *Notices to be signed by the local authority.*—Every notice required to be given by the clerk of the local authority by this

act shall be in writing or print, or partly in writing and partly in print, and shall be signed by the clerk of the local authority or deputy appointed by him.

18. *Local authority to require owners to execute works as in specification—Proceedings of local authority in case owners neglect.*—The owner on whom the local authority shall have imposed in the first instance the duty of executing the work shall, within two calendar months thereafter, commence the works as shown on the plan and described in the specification, and shall diligently proceed with and complete the same in conformity with the specification to the satisfaction of the surveyor or engineer appointed by the local authority; and if such owner shall fail therein, the local authority shall require the owner next in order as aforesaid to execute the said works, and in case of his default shall require the remaining owners in their order as aforesaid; and if all such owners shall make default, the local authority shall, as the case may seem to them to require, either order the premises to be shut up or to be demolished, or may themselves execute the required works in conformity with the specification.

19. *Provision in case local authority themselves execute the works.*—Where the local authority themselves execute the works, they may apply to the Court of Quarter Sessions having jurisdiction over the place of which they are the local authority for an order charging on the premises on which the works have been executed the amount of all costs, charges, and expenses that have been incurred by such authority in or about the execution of such works, including the costs of obtaining the order; and the Court of Quarter Sessions, when satisfied of the amount so expended, shall make an order accordingly, charging on the premises the amount of such costs, charges, and expenses, together with interest at the rate of four pounds per cent. per annum, and such order shall be filed and recorded in manner hereinafter mentioned, and thereupon the amount of principal and interest thereby secured shall be a charge on the house, bearing interest at four per centum, and having priority over all other estates, incumbrances, and interests whatsoever, and the local authority shall, for the purpose of obtaining satisfaction of the moneys so charged, or of any interest thereon, be deemed to be a mortgagee of an absolute estate in the house, and shall be

invested with all the powers conferred on mortgagees by Part II. of the act of the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter one hundred and forty-five,<sup>(1)</sup> and in Scotland such order shall be recorded in the appropriate register of sasines.

20. *Local authority to pay compensation when total demolition required.*—If the requirements of the order involve the total demolition and not the improvement of the premises specified therein, the owner shall, within three months after service of the order, proceed to take down and remove the premises, and if such owner fail therein, then the local authority shall proceed to take down and remove the same; and the local authority shall sell the materials, and, after deducting the expenses incident to such taking down and removal, pay over the balance of moneys, if any, to the owner.

21. *Determination of tenancies.*—Where at the time of making the order the premises specified therein, or any part thereof, are or is subject to any tenancy from year to year, or for a year or for any less term, the local authority shall give notice to every such tenant, stating the time at which such tenancy will be determined.

22. *Remedies of owner for breach of covenant, &c. not to be prejudiced.*—Provided always, that nothing in this act contained shall prejudice or interfere with the rights or remedies of any owner for the breach, non-observance, or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any premises in respect of which any order shall be made by a local authority; and if any owner shall be obliged to take possession of any premises in order to comply with any order made under the provisions of this act, such entry or taking possession shall not affect his right to avail himself of any such breach, non-observance, or non-performance that may have occurred prior to his so taking possession.

23. *Owner instead of effecting improvements may take down premises.*—If the order be that the premises require improvement, the owner, including therein the owner of the first estate of inheritance, if he think fit, may, instead of effecting the works required by the plan and specification, take down the premises;

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(1) Pract. Stats. 1860, p. 382.

but in every such case, and also in the event of the owner desiring to retain the site of the premises required by the order to be totally demolished, no house or other building or erection shall be erected on all or any part of the site of the premises so taken down which shall be injurious to health; and the local authority may at any time make an order upon the owner to abate or alter the said house, building, or erection, as the case may require; and in the event of non-compliance with such order the local authority may, at the expense of the owner thereof, abate or alter any house or other building or erection at any time wholly or partly erected contrary to the provisions of this section.

24. *Application may be made to justices where more than one owner of premises included in order under act, and any one owner neglects to comply with such order.*—When there are two or more owners of any premises, and it appears to any two justices in petty sessions, on application of any owner of such premises, that the interest of the applicant in the premises will be prejudiced by the neglect and default of any other owner to deal with the premises in conformity with the order so made, it shall be lawful for such justices, if the applicant undertake to their satisfaction to bring the premises into conformity with such order, to make an order empowering the applicant forthwith to take possession of the premises, and to do all such works as may be necessary for bringing the same into conformity with such order, and within such time as shall be fixed by such justices, and on non-compliance by such last-mentioned applicant with his undertaking it shall be lawful for the justices to make a like order in favour of any other owner.

25. *Grant of annuity to owner on completion of works.*—Where any owner has completed any works required to be executed by a local authority in pursuance of this act, he may on the completion thereof apply to the local authority for a charging order charging on the premises on which the works have been executed an annuity as compensation to the owner for the expenditure incurred by him in executing such works, and shall produce to the local authority the certificate of their surveyor or engineer that the works have been executed to his satisfaction, and also the accounts and vouchers for such works, and the local authority, when satisfied that the owner has duly executed such works, shall make a charging order accordingly.

The annuity charged shall be a sum of six pounds for every 100*l.* of such expenditure, and so in proportion for any less sum, to commence from the date of the order, and to be payable for a term of thirty years to the owner named in such order, his executors, administrators, or assigns.

Charging orders made under this act shall be made according to the form marked A. in the second schedule hereto annexed, or as near thereto as the circumstances of the case will admit.

The costs of obtaining the order to be allowed by the local authority shall be deemed to be part of the expenditure incurred by the owner.

26. *Incidence of charge.*—Every annuity created by a charging order under this act shall be a charge on the premises comprised in the order, having priority over all existing and future estates, interests, and incumbrances, with the exception of quit rents and other charges incident to tenure, tithe commutation rent-charges, and any charges created under any act authorising advances of public money; and where more annuities than one are chargeable under this act on any premises, such annuities shall, as between themselves, take order according to their respective dates.

27. *Charges recoverable as rentcharges in lieu of tithes.*—Every annuity charged on any premises by a charging order under this act may be recovered by the persons for the time being entitled to the same by the same means and in the like manner in all respects as if it were a rentcharge granted by deed out of the premises by the owner thereof.<sup>(\*)</sup>

28. *An order to be evidence of compliance with act.*—An order made in pursuance of this act charging an annuity on any premises shall be, both at law and in equity, conclusive evidence that all notices, acts, and proceedings by this act directed with reference to or consequent on the obtaining such order, or the making such charge, have been duly served, done, and taken, and that such charge has been duly created, and that it is a valid charge on the premises declared to be subject thereto.

29. *Registry of charging order on premises in Middlesex and*

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(\*) Therefore recoverable by distress. The grantee of a rent-charge may take goods of a stranger on the premises charged as a distress for arrears: (*Saffrey v. Elgood*, 1 Ad. & El. 191; *Johnson v. Faulkner*, 2 Q. B. 925.)

*Yorkshire*.—Every charging order made in pursuance of this act relating to premises in Middlesex or Yorkshire shall be registered in the same manner respectively as if such charge were made by deed by the absolute owner of such lands without the aid of this act; and a copy of every such charging order of the certificate of such surveyor or engineer as aforesaid, together with a copy of the accounts as passed by the local authority, and which copies shall be certified to be true copies by the clerk of such local authority, shall, within six months after the date of such charging order, be deposited with the clerk of the peace of the county in which the premises are situate, who shall be entitled to a fee of ten shillings for filing and recording the same; and every charging order made in pursuance of this act relating to premises in Scotland shall be recorded in the appropriate register of sasines.

30. *Assignment of charge*.—The proprietor of any charge may, by deed under seal, stamped with the same *ad valorem* stamp as if it were an assignment of a charge created by deed, assign the benefit of the charging order, or of any portion of the charge comprised therein, to any other person; and on such assignment being executed the assignee shall have the same rights under the order as the proprietor would have had if no such assignment had been executed; and any assignee of a charging order may, by deed stamped in manner aforesaid, assign the charge to any other person. Any assignment of a charging order may be in the form marked B. in the schedule hereto, or in any other convenient form.

31. *As to expenses of local authority*.—All expenses incurred by the local authority in pursuance of this act shall be defrayed by them out of a special local rate, not exceeding twopence in the pound in any year, which they are hereby empowered to assess and levy for the purposes of this act.

32. *Power to Public Works Loan Commissioners to advance moneys to local authority*.—The Public Works Loan Commissioners, as defined by "The Public Works Loan Act, 1853,"<sup>(3)</sup> may, if they think fit, lend to any local authority, and any local authority may borrow from the said commissioners, such sums as the said authority may require for the purposes of this act, but the

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(3) 16 & 17 Vict. c. 40.

amount of every loan shall be sanctioned by the Lords Commissioners of the Treasury.

33. *Service of notice on the local authority.*—Any summons, notice, writ, or other proceeding at law or in equity, or otherwise, in relation to carrying into effect the objects and purposes of this act, required to be served upon the local authority, may be lawfully served by delivering the same to the clerk of the local authority, or leaving the same at his office with some person employed there by him.

34. *Notices served by local authority to be signed by the clerk.*—Any notice, demand, or other written document served by the local authority for the purposes of this act shall be signed by the clerk of the local authority.

35. *Penalty for obstructing officer of health, &c. in execution of act.*—Where any person at any time obstructs the officer of health or other person acting in the performance of anything which the local authority or their officers respectively are by this act required or authorised to do, every person so offending shall for every such offence forfeit not exceeding twenty pounds.

36. *Penalty for preventing execution of act.*—If the occupier of any premises prevents the owner thereof, or if the owner or occupier of any premises prevents the officer of health, or their officers, agents, servants, or workmen, from carrying into effect with respect to the premises any of the provisions of this act, after notice of the intention so to do has been given to the occupier, or, as the case shall be, to the owner, any justice on proof thereof may make an order in writing requiring the occupier to permit the owner, or, as the case shall be, requiring the owner or occupier, or both, to permit the officer of health, or the local authority, and their officers, agents, servants, and workmen, to do all things requisite for carrying into effect with respect to the premises the provisions of this act; and if at the expiration of ten days after the service of such order of the justice the occupier or owner fails to comply therewith, every person so offending shall for every day during which the failure continues forfeit not exceeding twenty pounds: Provided that during any such failure by the occupier the owner, unless assenting thereto shall not be liable to the forfeiture.

37. *Appearance of local authority.*—The local authority may

appear before any judge, justices, borough magistrates, sheriff, or sheriff substitute, by their clerk, and any company or body corporate may appear before the said magistrate or magistrates by any member of their board of management.

38. *Recovery of penalties.*—Penalties under this act may be recovered before two justices in manner directed by an act passed in the session holden in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, chapter forty-three, intituled “An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within England and Wales with respect to summary Convictions and Orders,” or any act amending the same, and in Scotland by summary complaint before the sheriff, sheriff substitute, or two justices, or in boroughs before the magistrates, in manner provided by “The Summary Procedure Act, 1864,” and in Ireland in manner directed by “The Petty Sessions (Ireland) Act, 1851,” and any act amending the same.

39. *Application of act to Scotland.*—For the purpose of adapting this act to Scotland the following alteration shall be made; that is to say,

- (1.) “The Lands Clauses Consolidation Act (Scotland), 1845,” shall be substituted for “The Lands Clauses Consolidation Act, 1845:”
- (2.) All the judicial powers given to justices in quarter sessions by this act shall be exercised by sheriffs of counties or sheriff substitutes; and wherever by this act an appeal is given to the Court of Quarter Sessions, and thence to the Court of Queen’s Bench, such appeal shall be to the sheriff of the county, and from him to the Court of Session in the usual manner.

40. *Application of act to Ireland.*—For the purpose of adapting this act to Ireland the words “The Lands Clauses Consolidation Act, 1845,” shall mean “The Railways Act, Ireland, 1851,” and the several acts amending the same.

41. *Jurisdiction of certain magistrates.*—Any act, power, or jurisdiction hereby authorised to be done or exercised by two justices may be done or exercised by the following magistrates within their respective jurisdictions; that is to say: As to England, by any metropolitan police magistrate or other stipendiary magistrate sitting alone at a police court or other appointed place, or by the



lord mayor of the City of London, or any alderman of the said city, sitting alone or with others, at the Mansion House or Guildhall; as to Scotland, by the sheriff or sheriff substitute, or by any two magistrates of a burgh; and, as to Ireland, by any one or more divisional magistrates of police in the police district of Dublin, and elsewhere by two or more justices of the peace in petty sessions.

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## SCHEDULES.

## FIRST SCHEDULE.

TABLE A.

*England and Wales.*

Places to which Act applies.	Description of Local Authority.	Description of Local Rate.	Description of Clerk of Local Authority.
<p>The City of London and the Liberties thereof.</p> <p>Local Acts { 11 &amp; 12 Vict. c. 163. 14 &amp; 15 Vict. c. 91.</p>	Commissioners of Sewers of the City of London. Local Act 11 & 12 Vict. c. 163.	The Consolidated Rate. 11 & 12 Vict. c. 163, s. 158.	The Clerk to the Commissioners. 11 & 12 Vict. c. 163, s. 25.
The Metropolis ... ..	The Vestries and District Boards under the Act 18 & 19 Vict. c. 120, within their respective Parishes and Districts.	Rate to be levied for defraying the expenses of the Act. 18 & 19 Vict. c. 120.	Clerk of the Vestries or District Boards.
Boroughs not within the Jurisdiction of such Local Board as aforesaid.	The Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund or other Property applicable to the Purposes of a Borough Rate or the Borough Rate.	The Town Clerk.



Places where Police Commissioners or Trustees exercise the Functions of Police Commissioners acting under "The General Police and Improvement (Scotland) Act," or Trustees or Commissioners acting under any General or Local Act.	The Police or other Commissioners or Trustees.	Property or Rate belonging to or leviable by the Commissioners or Trustees.	Clerk of the Commissioners or Trustees or any other Officer performing the Duties of Clerk.
<i>Ireland.</i>			
The City of Dublin ...	The Right Honourable the Lord Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund or Borough or Improvement Rate.	The Town Clerk.
Towns Corporate or Boroughs (with the exception of the City of Dublin).	The Mayor, Aldermen, and Burgesses, acting by the Council.	The Borough Fund, or Town Fund, or Borough Rate.	The Town Clerk.
Towns having Town Commissioners under 9 Geo. 4, c. 82, or 17 & 18 Vict. c. 103, or any Acts amending the same, or having Commissioners or other Governing Body under any Local Act.	The Town Commissioners or other Governing Body.	Any Rate leviable by these Bodies, or any Fund belonging to them applicable in the whole or in part to the making or repairing of Sewers within their Jurisdiction.	The Clerk of the Commissioners or other Governing Body.

## SECOND SCHEDULE.

## FORM MARKED A.

*The Artizans and Labourers Dwellings Act, 1868.*

County of  
Parish of  
No.

*Charging Order.*

The [insert description of local authority] being the local authority under the above-mentioned act, do, by this order under their hands and seal, charge the inheritance or fee of the premises mentioned in the schedule hereto with the payment to of the sum of pounds, payable yearly on the day of for the term of years, and being in consideration of an expenditure of pounds incurred by him in respect of the said premises.

## SCHEDULE.

[Insert description of premises charged.]

## FORM MARKED B.

*Form of Assignment of Charge.*

To be indorsed on charging order.

Dated the day of .

I, the within-named in pursuance of "The Artizans and Labourers Dwellings Act, 1868," and in consideration of pounds this day paid to me, hereby assign to the within-mentioned charge.

(Signed)

## THIRD SCHEDULE.

## I.

*Form of Order by Court of Quarter Sessions or Petty Sessions, or Court of Burgh Magistrates in Scotland.*

Be it remembered, that on the day of 18 , upon the report hereinafter mentioned, we, the undersigned justices, assembled at the Court of Quarter Sessions holden in and for the county of , or assembled in petty sessions for the division or district of the borough or county of , or members of the court of burgh magistrates for [as the case may be], do hereby order and determine that one or more house or houses or buildings situate in a certain court or alley within the borough or burgh, known or designated as court or alley [or otherwise distinguishing the premises], and

specified in the report of the officer of health for the dated the            day of            18    , is or are unfit for human habitation, and ought to be improved or demolished [*as the case may be*], in pursuance of "The Artizans and Labourers Dwellings Act, 1868."

## II.

*Form of Notice by Clerk of the Peace, Clerk of the Justices, or Clerk of the Court of Burgh Magistrates in Scotland to Clerk of Local Authority.*

"Artizans and Labourers Dwellings Act, 1868."

I, *A.B.*, clerk of the peace *or* clerk of the justices [*or* clerk of the court of burgh magistrates] for the            , do hereby certify, that on the            day of            18    , the justices assembled at the Court of Quarter Sessions, *or* assembled at the petty sessions for the            [*or* court of the burgh magistrates] [*as the case may be*], made an order, of which the following is a true copy:

[*Here give a copy of the presentment, Form I.*]

As witness my hand, this            day of            in the year of our Lord 18    ,

(Signed)            (*A.B.*) Clerk of the Peace *or* Clerk of the Justices for

[*or* Clerk of the Court of Burgh Magistrates].

To the            Clerk of the  
of

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# LIST OF LOCAL AND PERSONAL ACTS.

31 & 32 VICTORIA.

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*The titles to which the letter P. is prefixed are public acts  
of a local character.*

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i. An Act for granting further Powers to the Bury Port and Gwendreath Valley Railway Company.

ii. An Act to authorise a Diversion of the Line and Alteration of the Levels of the Devon Valley Railway; and for other Purposes.

iii. An Act to make further Provision for lighting with Gas the Town and Parish of Loughborough in the County of Leicesters; to incorporate the Loughborough Gas and Coke Company; and for other Purposes.

iv. An Act to confer certain additional Powers upon the North London Railway Company.

v. An Act to empower the Grand Junction Waterworks Company to raise further Money; to acquire additional Land; and for other Purposes.

vi. An Act for authorising a Deviation of the Newquay and Cornwall Junction Railway, and for extending the Time for the Completion of that Railway; and for conferring further Powers on the Newquay and Cornwall Junction Railway Company, and on Treffry's Trustees, with reference to the Newquay Railway; and for other Purposes.

vii. An Act to enable the Metropolitan Board of Works to make Improvements in the Parish of Saint Marylebone in the County of Middlesex, by forming a new Street in lieu of Stingo Lane from the Marylebone Road to Upper York Street.

viii. An Act to authorise the Construction of a Subway under the Thames from Tower Hill to the opposite Side of the River.

ix. [P.] An Act to confirm certain Orders made by the Board of Trade under "The Oyster and Mussel Fisheries Act, 1866," relating to the Rivers Blackwater (Essex) and Hamble.

x. [P.] An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Workington, Walton-on-the-Hill, West Derby, Eton, Llanelly, Oxenhope and Stanbury, and Keighley; and for other Purposes relative to certain Districts under the said Act.

xi. [P.] An Act to confirm certain Provisional Orders under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burghs of Perth and Brechin.

xii. [P.] An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Broughty Ferry.

xiii. An Act to authorise the Company of Proprietors of the Lewes Waterworks to raise more Money; and for other Purposes.

xiv. An Act to extend the Time for the compulsory Purchase of Lands, and for the Completion of the Buckfastleigh, Totnes, and South Devon Railway.

xv. An Act to provide for the finding and maintaining of One Chaplain in lieu of Two in the Parish of Saint Saviour, Southwark; and for other Purposes.

xvi. An Act for enabling the Local Board of Health for the District of Loughborough in the County of Leicester, to construct and maintain Waterworks and supply Water within the District; to hold and regulate Fairs and Markets; and for other Purposes.

xvii. An Act for the altering, widening, and rebuilding a Bridge across the River Severn at Stourport in the County of Worcester, and for making further Provisions with respect to the said Bridge.

xviii. An Act for facilitating Arrangements with respect to the new Parish of Saint Luke, King's Cross, and other new Parishes and Districts, with a view to better Provision for the Cure of Souls within the original Limits of the Parish of St. Pancras in the County of Middlesex; and for other Purposes.

xix. An Act to enable the Dingwall and Syke Railway Company to make Deviations of their authorised Line of Railway; and for other Purposes.

xx. An Act to authorise the Brompton, Chatham, Gillingham and Rochester Waterworks Company to raise further Capital and for other Purposes.

xxi. An Act to confer further Powers upon the Carnarvon and Llanberis Railway Company, and upon the London and North-Western Railway Company, with respect to the Carnarvon and Llanberis Railway.

xxii. An Act for authorising the Purchase by the Corporation of Lincoln of certain Common Rights, and the Diversion of a Road in Canwick Common, and the Sale of Portions of the said Common; and for other Purposes.



**xxiii.** An Act for incorporating the Hythe and Sandgate Gas and Coke Company (Limited), and defining the Limits of Supply of Gas by them, and regulating their Capital; and for other Purposes.

**xxiv.** An Act for empowering the Corporation of the Borough of Leicester to execute Works for Prevention of Floods on the River Soar and other Waters within the Borough, and additional Sewerage and Drainage Works, to make new Streets and Improvements, to establish a Vegetable Market, and to make Arrangements with the Visitors of the Leicestershire and Rutland Lunatic Asylum, and for establishing sanitary and other Regulations for the Borough; and for other Purposes.

**xxv.** An Act for enabling the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River Dee to raise further Moneys; and for other Purposes.

**xxvi.** An Act to extend the Time for the Purchase of Lands for the Construction of the Chester and West Cheshire Junction Railway.

**xxvii.** An Act to enable the Local Board of Health for the District of Leamington Priors in the County of Warwick to purchase the Property of the Leamington Royal Pump Room Company (Limited) at Leamington Priors, and to maintain a Pump Room and Baths and Public Gardens and Pleasure Grounds in Leamington Priors for the Use and Enjoyment of the Inhabitants thereof; and for other Purposes.

**xxxviii.** An Act for supplying with Water the Parishes, Townships, and Places of Slough, Upton-cum-Chalvey, Stoke Poges, Langley, Datchet, and Farnham Royal, in the County of Buckingham; and for other Purposes.

**xxix.** An Act to authorise the Borough of Portsmouth Waterworks Company to make and maintain Works in connection with their present Waterworks, and to raise more Money; and for other Purposes.

**xxx.** An Act to authorise "The City of Dublin Steam Packet Company" to make further Arrangements for the Investment of their Contingency Fund; and for other Purposes.

**xxxi.** [P.] An Act to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for England and Wales.

**xxxii.** An Act to dissolve and re-incorporate the Cork Gas Consumers Company (Limited), and to provide for lighting the City of Cork with Gas; and for other Purposes.

**xxxiii.** An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Cork to make a Diversion in the Line of the Cork, Blackrock, and Passage Railway; to authorise Agreements with the Harbour Commissioners; to define and extend the Powers of the Corporation in reference to Water Supply and

Matters of local Government; to raise further Moneys; to alter and amend the existing Acts relating to the Borough; and for other Purposes.

xxxiv. An Act for improving the Supply of Water to the Borough of Haverfordwest, for facilitating the Recovery of Market and other Tolls and Dues leviable in the Borough, for improving the Recreation Ground of the Borough; and for other Purposes.

xxxv. An Act to authorise the Farnworth and Kearsley Gas Company to raise additional Capital; and for other Purposes.

xxxvi. An Act to extend the Limits of the Act for appointing a Stipendiary Justice of the Peace for the Parish of Merthyr Tidvil and adjoining Places; and for other Purposes.

xxxvii. An Act to enable the Knighton, the Central Wales, and the Central Wales Extension Railway Companies to take a Lease of the Vale of Towy Railway jointly with the Llanelli Railway and Dock Company; and for other Purposes.

xxxviii. An Act for vesting the several Undertakings of the Knighton, the Central Wales, and the Central Wales Extension Railway Companies in the London and North-Western Railway Company; and for other Purposes.

xxxix. An Act to extend the Time for the Purchase of Lands for and for the Completion of certain of the Railways of the Glasgow and South-Western Railway Company; and for other Purposes.

xl. An Act for enabling the Brentford Gas Company to raise additional Capital; to construct new Works; to vary and extend the Limits of Supply; and for other Purposes.

xli. An Act to authorise the Burslem and Tunstall Gas Company to raise further capital; and for other Purposes.

xlii. An Act to incorporate the Clevedon Gas Company, and to make further Provision for lighting with Gas the Parish of Clevedon, and certain Parishes and Places in the Neighbourhood thereof, in the County of Somerset.

xliii. An Act for conferring additional Powers on the Midland Railway Company for the raising of further Capital and the Construction of new Works; and for other Purposes.

xliv. An Act for making and maintaining a Market in the Parish of St. Mary, Lambeth, in the County of Surrey.

xlv. An Act for authorising the Leeds New Gas Company to raise further Money, and acquire additional Lands; and for other Purposes.

xlvi. [P.] An Act for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," relating to Brightlingsea, Clevedon, Morecambe, Mousehole, Instow, Saltburn-by-the-Sea, and Southport; and for amending "The General Pier and Harbour Act, 1861."

xlvi. [P.] An Act for confirming certain Provisional Orders made by the Board of Trade under "The General Pier and Harbour Act, 1861," relating to Carlingford Lough, Elgin and Lossiemouth, Greenock, Hunstanton, Tenby, and Torquay.

xlvii. An Act for dissolving and re-incorporating the Proprietors of the Yeadon and Guiseley Gaslight and Coke Company; and for other Purposes.

xlviii. An Act to confer further Powers on the Midland and London and North-Western Railway Companies for the Construction of Works in connection with their Ashby and Nuneaton Railway; and for other Purposes.

i. An Act for authorising the North and South-Western Junction Railway Company to make a Deviation or Alteration in their Main Line of Railway; to raise further Moneys; and for other Purposes.

ii. An Act to extend the Time for the Purchase of Lands, and for the Completion of the Uxbridge and Rickmansworth Railway.

iii. An Act to extend the Time for the Purchase of Lands and for the Completion of the Acton and Brentford Railway.

liii. An Act to authorise the Construction by the Great Northern Railway Company of a new Road in the Town of Leeds; and for other Purposes.

liv. An Act to confirm the Issue of Stocks and Shares of the Great Western Railway Company in Payment of Dividends to the Holders of Stocks or Shares in the Company.

lv. An Act to repeal "The West Riding and Grimsby Railway (Extension) Act, 1865."

lvi. An Act to incorporate the Ystrad Gas and Water Company, Limited, and to make Provisions for the Supply of Gas and Water in the Parish of Ystradyfodwg in the County of Glamorgan; and for other Purposes.

lvii. An Act for amending the Provisions of "The Alexandra (Newport) Dock Act, 1865," with respect to the borrowing Powers of the Alexandra (Newport) Dock Company; and for other Purposes.

lviii. An Act to incorporate the Humber Conservancy Commissioners, and to make Provision for a Lease to them of Foreshores of the Humber and the Estuary thereof between the Confluence into the same of the Rivers Ouse and Trent and the Sea, and to amend the Enactments relating to the Commissioners; and for other Purposes.

lix. An Act for the Establishment of a united Constabulary Force in and for the University and City of Oxford.

lx. An Act to empower the Corporation of Reading to alter and improve or rebuild Caversham Bridge in the Counties of Berks and Oxford; and for other Purposes.

lxi. An Act to amend and enlarge the Provisions of "The Reading Waterworks Act, 1851;" to make further and better Provision for supplying the Town of Reading and the adjoining Districts with Water; and for other Purposes.

lxii. An Act to extend the Time for constructing the Wexford Branch and the Kingstown Connecting Branch of the Dublin, Wicklow, and Wexford Railway Company; to make Arrangements as to the Capital of the Company; and for other Purposes.

lxiii. An Act to authorise the Abandonment of certain Portions of the Railways authorised by "The North British and Edinburgh and Glasgow (Bridge of Forth) Railways Act, 1865;" also an Extension of Time for the compulsory Purchase of Lands and the Completion of other Portions of the said Railways; and for other Purposes.

lxiv. An Act to extend the Time for the Purchase of Lands for and the Construction of the Railways authorised by "The Lancashire and Yorkshire Railway (Ripponden and Stainland Branches, &c.) Act, 1865;" to empower the Lancashire and Yorkshire Railway Company to subscribe to the Hull Docks; and for other Purposes.

lxv. An Act for further regulating the Capital of the Bristol and Exeter Railway Company, and for authorising the Abandonment of the Tiverton and North Devon Railway; for extending the Time for making the Brean Railway; and for other Purposes.

lxvi. An Act for incorporating and granting certain Powers to the Peterborough Gas Company.

lxvii. An Act to authorise the Corporation of Chichester to remove the present Cattle Market, and to provide a new Cattle Market; and for other Purposes.

lxviii. An Act to amend "The Downpatrick, Dundrum, and Newcastle Railway Act, 1866."

lxix. An Act to extend the Time for completing certain of the authorised Works of the London and South-Western Railway Company; and for other Purposes.

lxx. An Act for altering and amending "The Maryport Improvement and Harbour Act, 1866;" for authorising new Works and extending the Powers of the Trustees; and for other Purposes.

lxxi. An Act for the Abandonment of the Undertaking of the Ilfracombe Railway Company, and for the Dissolution of that Company; and for other Purposes.

lxxii. An Act for enabling the Sunderland and South Shields Water Company to extend their Works and their Supply of Water, and to raise additional Capital; and for other Purposes.

lxxiii. An Act to enable the Potteries and Shrewsbury and North Wales Railway Company to make a substituted Line of Railway, and to abandon a Portion of their authorised Railway; and for other Purposes.

lxxiv. An Act for dissolving the Calverley Gas Company (Limited) and the Horsforth Gas Company, and incorporating a Company for supplying with Gas certain Parts of the Parishes of Calverley, Guiseley, and Addle, in the West Riding of the County of York.

lxxv. An Act for empowering the Local Board for the District of Wolborough in the County of Devon to acquire Market and Fair Rights and Tolls, and to establish and hold Markets and Fairs; and for other Purposes.

lxxvi. An Act for better supplying with Gas the City of Chichester and adjoining Places; and for other Purposes.

lxxvii. An Act to incorporate the Merthyr Tydfil Gas Company, and to confer upon them Powers and make Provisions for more effectually supplying with Gas the Town of Merthyr Tydfil and its Neighbourhood; and for other Purposes.

lxxviii. An Act for better supplying with Water the Parishes of Topsham, Clyst Saint George, Woodbury, and Lymptone, in the County of Devon.

lxxix. An Act to amend and enlarge the Provisions of "The Warrington Waterworks Act, 1855;" to extend the Limits of the Company for the Supply of Water; to make further and better Provision for supplying Warrington and the adjoining Districts with Water; and for other Purposes.

lxxx. [P.] An Act to make Provision respecting the Use of Subways constructed by the Metropolitan Board of Works in the Metropolis.

lxxxi. An Act to enable the Local Board of Health in and for the District of the Borough of Reading to acquire the Undertaking of the Reading Waterworks Company; and for other Purposes.

lxxxii. [P.] An Act to authorise the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England and Wales.

lxxxiii. [P.] An Act to confirm a Provisional Order under "The Drainage Act, 1861."

lxxxiv. [P.] An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Southampton, Bradford, Whitchurch, and Dodington, Royton, Kendal, and Sunderland.

lxxxv. [P.] An Act to confirm a certain Provisional Order under "The Local Government Act, 1858," relating to the District of Tormoham (Devonshire).

lxxxvi. [P.] An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Malvern, Cowpen, Bristol, Sheffield, Margate, Bognor, and Otley; and for other Purposes relative to certain Districts under the said Act.

lxxxvii. An Act for authorising the Morley Gas Company to raise further Moneys ; and for other Purposes.

lxxxviii. An Act to enable the Waterford and Limerick Railway Company to raise additional Capital ; and for other Purposes.

lxxxix. An Act for enlarging and improving the Court-houses and Public Buildings of the City of Glasgow and County of Lanark, and erecting additional Court-houses, Halls, and Buildings ; and for other Purposes.

xc. An Act to amend "The Itchen Floating Bridge Act 1863 ;" and for other Purposes.

xc. An Act to extend the Powers of the Stourbridge Railway Company with respect to the Branch Railway to Stourbridge.

xcii. An Act for incorporating and granting other Powers to the Worthing Gaslight and Coke Company.

xciii. An Act to extend the Time for the Purchase of Lands and for the Construction of the Works authorised by "The Clonmel, Lismore, and Dungarvan Railway Act, 1865."

xciv. An Act to authorise and incorporate Commissioners to supply with Gas the Town of Dundee and Districts and Places adjacent, and to transfer to them the Gasworks of the Dundee Gaslight Company and the Dundee New Gaslight Company ; and for other Purposes.

xcv. An Act for supplying with Water Ruthin and Places adjacent in the County of Denbigh.

xcvi. An Act to authorise "The Commissioners for improving the Port and Harbour of Waterford" to construct a Dry Dock and Road, and other Works connected therewith respectively ; and for other Purposes.

xcvii. An Act for the Extension of Time for the Purchase of Lands and Completion of Works authorised by "The Barry Railway Act, 1865," and "The Barry Railway (Alteration) Act, 1866 ;" and for other Purposes.

xcviii. An Act for making a Tramway from the Somerset and Dorset Railway at Glastonbury to Street in the County of Somerset ; and for other Purposes.

xcix. An Act for authorising the Teign Valley Railway Company to make and maintain a Deviation of their authorised Railway ; and for other Purposes.

c. An Act for making a Railway from the Wycombe Branch of the Great Western Railway to Great Marlow in the County of Buckingham ; and for other Purposes.

ci. An Act for authorising the Tottenham and Hampstead Junction Railway Company to raise further Moneys ; and for other Purposes.

cii. An Act to extend the Time for the compulsory Purchase of Lands for and for the Completion of the Abergavenny and Monmouth Railway.

ciii. An Act for granting Powers to the Proprietors of the Windsor and Eton Waterworks.

civ. An Act for authorising the Corporation of the Borough of Barrow-in-Furness to supply with Gas and Water the Borough and adjacent Districts; to purchase the Undertaking of the Furness Gas and Water Company; for defining and extending the Powers of the Corporation in relation to the Improvement of the Borough, and to Police, and other Matters of Local Government; and for other Purposes.

cv. An Act for enabling the Caledonian Railway Company to abandon certain authorised Branches; for extending the Periods limited for the Acquisition of Lands and Construction of Works as respects their Muirkirk Branch; for raising additional Money; and for other Purposes.

cvi. An Act for consolidating the Acts relating to the Gaslight and Coke Company, for regulating their Capital, and for authorising them to erect new Gasworks, and to construct other Works in connection therewith, and to raise further Moneys; and for other Purposes.

cvii. An Act to enable the Kington and Eardisley Railway Company to make Deviations of their authorised Railways; to abandon Portions of their Railways; to revive and extend the Powers of compulsory Purchase of Lands; and to use a Portion of the Leominster and Kington Railway; and for other Purposes.

cviii. An Act to grant further Powers to the Metropolitan District Railway Company.

cix. An Act for enabling the Metropolitan Railway Company to make a Junction Line in the Parish of Saint Sepulchre in the City of London; for giving Effect to Arrangements with other Companies; for extending the Time limited for the Purchase of certain Lands; for amending the Acts relating to the Company; and for other Purposes.

cx. An Act for the Improvement of the Township and District of New Kilmainham in the Barony of Upper Cross and County of Dublin.

cx. An Act for altering the Streets in Communication with the Embankment on the North Side of the Thames; for giving Effect to an Arrangement with the South-Eastern Railway Company with respect to the Pier at Hungerford, and to an Arrangement with the Metropolitan District Railway Company; and for amending some of the Provisions of the Acts relating to the Embankment on the South Side of the Thames; and for other Purposes.

cxii. An Act to authorise the Provost, Magistrates, and Town Council of the Royal Burgh of Dundee to construct a Sea Wall

so as to inclose a Portion of the Alveus of the Frith of Tay opposite to the Burgh, and to form an Esplanade and a Road or Street on and within such Sea Wall; and for other Purposes.

cxiii. An Act for repealing "The Gun Barrel Proof Act, 1855," and for making other Provisions in lieu thereof; and for altering the Constitution of the Guardians of the Birmingham Proof House; and for better insuring the due Proof of Gun Barrels; and for other Purposes.

cxiv. An Act to confer further Powers on the Lancashire and Yorkshire Railway Company, and on the Lancashire Union Railways Company, with respect to certain Railways in Lancashire authorised to be constructed by them severally or jointly.

cxv. An Act for authorising the Abandonment of a Portion of the Undertaking of the Lancashire Union Railways Company, and for extending the Time for the Completion of other Portions thereof; and for other Purposes.

cxvi. An Act to confer further Powers on the Wolverhampton and Walsall Railway Company.

cxvii. An Act to separate for certain Purposes Portions of the Borough of Belfast from the County of Down; and for other Purposes relating to the Improvement and Regulation of the Borough.

cxviii. An Act for conferring additional Powers on the London and North-Western Railway Company for the Construction of new Works, and in relation to their own Undertaking and the Undertakings of other Companies; and for other Purposes.

cxix. An Act for transferring the Waterworks of the Dartford Local Board of Health to the Company of Proprietors of the Kent Waterworks Company; and for other Purposes.

cxx. An Act for extending the Time limited for the compulsory Purchase of Lands authorised to be taken by "The London, Blackwall, and Millwall Extension Railway Act, 1865," and also the Time limited for completing the Railways and Works under such Act; for authorising Arrangements with other Companies; and for other Purposes in relation to the London and Blackwall Railway Company.

cxxi. An Act for granting further Powers to the Saint Ives and West Cornwall Junction Railway Company.

cxii. An Act to authorise the Holywell Railway Company to divert and relinquish their authorised Railway, and to construct other Railways in substitution thereof; and for other Purposes.

cxiii. An Act for the Abandonment of the Railways authorised by "The South-Eastern and London, Chatham, and Dover (London, Lewes, and Brighton) Railways Act, 1866."

cxiv. An Act to authorise the Trustees of the Clyde Navigation to construct a Graving Dock, Quays or Wharfs, and other



Works at the Harbour of Glasgow, and to borrow additional Money; and for other Purposes.

**cxix.** An Act to amend "The Metropolis Gas Act, 1860," and to make further Provision for regulating the Supply of Gas to the City of London; and for other Purposes connected therewith.

**cxx.** An Act for incorporating the Eastbourne Gas Company, and for conferring upon them further Powers for the Supply of Gas to the Town and Parish of Eastbourne and the Parish of Willingdon in the County of Sussex; and for other Purposes.

**xxxi.** An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Halifax to construct new Works in Extension of their Waterworks; to extend their Limits of Supply; to acquire the Manufacturers' Hall; to improve the Borough of Halifax; and for other Purposes.

**xxxii.** An Act for enabling the Corporation of the Borough of Portsmouth to construct a new Wharf or Quay in the Camber; for extending their Powers to levy Rates and Dues; and for other Purposes.

**xxxiii.** An Act for authorising the Local Board for the District of Saint Mary Church in the County of Devon to supply their District with Gas, to erect a Town Hall and other Buildings, and to raise Moneys; and for other Purposes.

**xxxiv.** An Act to amalgamate the Court of Record for the Hundred of Salford in the County of Lancaster and the Court of Record for the Trial of Civil Actions within the City of Manchester, and to constitute the said amalgamated Court the Court of Record for the Hundred of Salford in the County of Lancaster, with extended Powers, and to regulate the Practice and Procedure therein; and for other Purposes.

**xxxv.** An Act to extend the Limits within which the Staffordshire Potteries Waterworks Company may supply Water, and to empower them to construct additional Works, and to raise additional Capital; and for other Purposes.

**xxxvi.** An Act for extending the Time allowed for the Completion by the Llanelly Harbour and Burry Navigation Commissioners of certain Works; and for other Purposes.

**xxxvii.** An Act for incorporating a Company for supplying with Gas the Parish of Llangonoyd and other Places in the County of Glamorgan.

**xxxviii.** An Act to authorise the London, Brighton, and South Coast Railway Company to abandon certain Works; and for other Purposes.

**xxxix.** An Act to enable the Metropolitan Board of Works to embank the River Thames between the Royal Hospital at Chelsea and Battersea Bridge in the County of Middlesex, and to make a Roadway and other Works connected therewith; and for other Purposes.

**xxxxvi.** An Act to authorise the Greenock and Ayrshire Railway Company to make and maintain certain Railways and Works; and for other Purposes.

**xxxxvii.** An Act to extend the Powers of the Pontypool, Caerleon, and Newport Railway Company.

**xxxxviii.** An Act for improving and maintaining the Harbour of Aberdeen.

**xxxxix.** An Act to authorise the North British Railway Company to execute various Railways and Works; and to abandon certain Railways and Works; and to extend the Time for the compulsory Purchase of Lands and Completion of Works with reference to several Railways and Works; and to amend in various Particulars the Acts relating to the Company passed in the last Session of Parliament; and for other Purposes.

**cxl.** An Act for authorising the Mayor, Aldermen, and Burgesses of the Borough of Bradford to make and maintain additional Waterworks, and for making additional Provision for Improvement of the Borough; and for other Purposes.

**cxli.** An Act to change the Name of the Waterford and Kilkenny Railway Company; to confer upon them further Powers; and for other Purposes.

**cxlii.** An Act for suspending legal Proceedings with reference to the Brecon and Merthyr Tydfil Junction Railway Company; for converting the Mortgage and other Debts into Debenture Stock; for authorising the Completion of certain Lines of Railway; for regulating the Capital and future Management of the Company; and for other Purposes.

**cxliii.** An Act for conferring further Powers upon the Derby Waterworks Company.

**cxliv.** An Act to enable the Athenry and Ennis Junction Railway Company to make Arrangements with other Companies; and for other Purposes.

**cxlv.** An Act for conferring further Powers on the Great Western Railway Company for the Construction of Works and in relation to their own Undertaking and the Undertakings of other Companies; and for other Purposes.

**cxlvi.** An Act for making the Acts of Parliament relating to the Ecclesiastical Commission applicable to the reputed Parishes of Saint Leonard and Saint Mary Magdalen in the Diocese of Chichester; and for other Purposes connected therewith.

**cxlvii.** An Act to extend the Time for the Purchase of Lands and Completion of Works of the Ardmore Harbour; and to confer further Powers on the Ardmore Harbour Company.

**cxlviii.** An Act to make Alterations in the Deed of Settlement of the Norwich Union Life Insurance Society; and for other Purposes.

cxlix. An Act for granting further Powers to "The Metropolitan and Saint John's Wood Railway Company."

cl. [P.] An Act to confirm a Provisional Order made by the Poor Law Board under "The Poor Law Amendment Act, 1867," with reference to the City of Salisbury.

cli. [P.] An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

clii. [P.] An Act to confirm a certain Provisional Order under "The Local Government Act, 1858," relating to the District of Tunbridge Wells.

cliii. [P.] An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of Harrogate, Layton with Warbrick, Bury, Lower Brixham, Hexham, Tipton, Gainsborough, Worthing, Aberystwith, Cocker-mouth, Burnham, Wednesbury, Burton-upon-Trent, Hornsey, and Keswick, and for other Purposes relative to certain Districts under the said Act.

cliv. [P.] An Act to make better Provision for the Preservation and Improvement of the River Lee and its Tributaries; and for other Purposes.

clv. [P.] An Act to confirm a Provisional Order under "The Public Health (Scotland) Act, 1867," relating to the Burgh of Tain.

clvi. [P.] An Act to confirm a Provisional Order under "The Land Drainage Act, 1861."

clvii. [P.] An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

clviii. [P.] An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, and the Acts amending the same.

clix. An Act for the Extension of Time and Revival of Powers for the compulsory Purchase of Lands and Completion of Works authorised by "The Fareham and Netley Railway Act, 1865;" and for other Purposes.

clx. An Act for the better Ecclesiastical Regulation of the Parish of Saint Pancras in the Diocese of London and the County of Middlesex.

clxi. An Act to extend the Time for the Purchase of Lands and Completion of the Mersey Railway; and for other Purposes.

clxii. An Act for the Abandonment of the Railway authorised by "The Chichester and Midhurst Railway (Extension) Act, 1865."

clxiii. An Act to confer further Powers on the East London Railway Company for the Execution of Works, and otherwise with reference to their Undertaking; and for other Purposes.

clxiv. An Act to extend the Time for the compulsory Purchase of Lands and Completion of Works authorised by several Acts relating to the Great Eastern Railway; and to alter certain Powers of appointing Directors of the Great Eastern Railway Company; and for other Purposes.

clxv. An Act for enabling the Star Life Assurance Society to sue and be sued in their own Name; and for other Purposes.

clxvi. An Act to empower the Belfast Central Railway Company to construct new Railways and Tramways and a Central Station, and to abandon Portions of their authorised Undertaking; and for other Purposes.

clxvii. An Act for making Street Tramways in Liverpool; and for other Purposes.

clxviii. An Act for making and maintaining a Market in the Borough of Lambeth in the County of Surrey.

clxix. An Act to extend the Powers of the Waterloo and Whitehall Railway Company with respect to a Portion of their authorised Undertaking.

clxx. An Act to provide for the Settlement of the Claims of the Contractors and others with respect to the Construction of the Bishop Stortford Railway, and for vesting the Possession of that Railway in the Great Eastern Railway Company.

clxxi. An Act to incorporate a Company for making "The Weedon and Daventry Railway;" and for other Purposes.

clxxii. An Act for granting certain Powers to the South-Eastern Railway Company.

clxxiii. An Act to provide for the closing of the Wey and Arun Junction Canal, and the Sale of the Site thereof; and for other Purposes.

clxxiv. An Act for authorising the Devon and Cornwall Railway Company to alter the Line and Levels of Parts of their Railways; and for other Purposes.

clxxv. An Act to alter and amend the Act relating to the Towns Drainage and Sewage Utilisation Company; and for other Purposes.

clxxvi. An Act to make more effectual Provision for the working of the Cork and Kinsale Junction Railway; and for other Purposes.

clxxvii. An Act for fusing all the Revenues of the Cambrian Railways Company, and settling the application thereof; and to confer Rights of Voting on the Preference Shareholders of that Company; and for other Purposes.

clxxviii. An Act to authorise the Bristol and North Somerset Railway Company to deviate from the authorised Line of their Railway at Bristol; and for other Purposes.

clxxix. An Act to extend and amend the Borrowing Powers of the Belgravia Road Company ; and for other Purposes.

clxxx. An Act to grant further Powers to the Cork and Macroom (Direct) Railway Company.

clxxxi. An Act for making Railways in the Isle of Wight to connect Newport and Cowes with Sandown, Ryde, and Ventnor.

clxxxii. An Act to confer Facilities on the Rathkeale and Newcastle Junction Railway Company for raising Funds under their Borrowing Powers.

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## PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

*And whereof the printed copies may be given in evidence.*

1. An Act to incorporate the Trustees and Managers of Alexander Scott's Hospital at Huntley in the County of Aberdeen, and to extend the Benefits thereof.

2. An Act to enable William Dunn Gardner Esquire, upon purchasing the respective Reversions of and in certain Leasehold Estates devised by the Will of William Dunn Gardner, deceased, to charge the said Estates with the Purchase Money and the Expenses incident to such Purchase, and to convey or cause to be conveyed the same Estates by way of Mortgage to secure the Payment of the said Purchase Money and Expenses, without incurring a Forfeiture of his Estate and Interest under the same Will; and for other Purposes.

3. An Act to enable Sir Charles Compton William Domville Baronet to borrow upon the Security of his Entailed Estates situate in the County of Dublin, a Sum of Money for the Repayment to him of a Portion of the Moneys laid out by him in the Improvement of the said Estates.

4. An Act for authorising the Trustees under an Act passed in the Thirty-ninth and Fortieth Years of his Majesty King George the Third, for enabling the Duke of Richmond for the Time being to grant Jointures as therein mentioned, and for other Purposes, to sell certain Parts of the Duke of Richmond's Settled Estates, and to invest the Money to arise from such Sales in the Purchase of other Estates, to be settled to the same Uses; and also to raise a Sum of Thirty thousand Pounds by Mortgage of the Settled Estates, to be invested in the same Manner; and for other Purposes.

5. An Act to carry into Effect an Arrangement approved in the Suits of *Hamp v. Hamp*, *Hamp v. Robinson*, and *Hamp v. Bolt*, now depending in the High Court of Chancery, for the Purpose of compromising certain opposing Claims to the Real Estates of Francis Hamp, late of Bacton Villa in the Parish of Bacton in the County of Hereford, Esquire; and for other Purposes.

6. An Act to extend the Powers contained in the Will of the Right Honourable John Savile Lumley Savile, Earl of Scarborough, deceased, and in the "Savile Estate (Leasing) Act,

1861," with respect to certain Estates in the County of York, Part of the Savile Estates devised by or subject to the Trusts of the said Will, and for other Purposes, and of which the Short Title is "Savile Estate (Extension of Powers) Act, 1868."

7. An Act to extend and amend "Ward Jackson's Estate Act, 1853;" and for other Purposes.

8. An Act to provide for the vesting and Management of certain Funds held in trust by the Town Council of Aberdeen; and for other Purposes.

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## PRIVATE ACTS,

### NOT PRINTED.

9. An Act for rendering valid certain Letters Patent granted to Perry Green Gardiner of the City of New York in the United States of America.

10. An Act to confer upon Henry William Ferdinand Bolekow all the Rights, Privileges, and Capacities of a natural-born Subject of Her Majesty the Queen.

11. An Act to confer upon Christian Allhusen all the Rights, Privileges, and Capacities of a natural-born Subject of Her Majesty the Queen.

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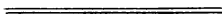
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